



# राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 21] शिमला, शनिवार, 20 अक्टूबर, 1973/28 आश्विन, 1895 [संख्या 42

## विषय-सूची

भाग 1	वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि	1654—1660 तथा
भाग 2	वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि	1706—1708 1661—1663
भाग 3	अधिनियम, विधेयक और विवेकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेंशियल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि	1663—1690
भाग 4	स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग	1690—1692
भाग 5	वैयक्तिक अधिसूचनाएं और विज्ञापन	1692—1694
भाग 6	भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन	1694—1705
भाग 7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं	—
—	अनपूरक	—

20 अक्टूबर, 1973/28 आश्विन, 1895 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. 11-6/69-H/FP., dated the 17th October, 1973.	Health and family Planning Department	Appointment of Ex-officio Drugs Inspectors whole time for certain areas.
No. 10-20/73-VS., dated the 15th October, 1973.	Vidhan Sabha Secretariat	The Himachal Pradesh Panchayati Raj (Amendment) Bill, 1973 (Bill No. 20 of 1973).
No. 10-19/73-VS., dated the 15th October, 1973.	-do-	The Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) (Amendment) Bill, 1973 (Bill No 21 of 1973).
No. 10-25/73-VS., dated the 15th October, 1973.	-do-	The Himachal Pradesh Departmental Enquiries (Powers) Bill, 1973 (Bill No. 23 of 1973).
No. 10-27/73-VS., dated the 15th October, 1973.	-do-	The Himachal Pradesh Ceiling on Land Holdings (Amendment) Bill, 1973 (Bill No. 25 of 1973).
No. 10-22/73-VS., dated the 16th October, 1973.	-do-	The Himachal Pradesh Urban Rent Control (Amendment) Bill, 1973 (Bill No. 19 of 1973).
No. 7-19/72-Elec., dated the 16th October, 1973.	Election Department	To extend the date of completion of elections of Gram Sabhas in the Solan and Arki tehsils in Solan district.
No. 19-8/72 E & T (Secett.), dated the 8th October, 1973.	Excise and Taxation Department	The Himachal Pradesh Excise and Taxation Department (Driver Class III Services) Recruitment and certain Conditions of Service Rules, 1973.
No. 3-28/73-Elec., dated the 15th October, 1973.	Election Department	Republication of Election Symbols (Reservation and Allotment) Order, 1968.

भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश सरकार  
PERSONNEL (A) DEPARTMENT  
NOTIFICATIONS

*Simla-2, the 22nd August, 1973*

No. 3-39/70-Apptt. —The Governor, Himachal Pradesh is pleased to accord sanction to the grant of 30 days commuted leave with effect from 24-8-1973 to 22-9-1973 with permission to suffix holiday falling on 23rd September, 1973 being Sunday in favour of Shri R. C. Kaushik, Chief Conservator of Forests, Himachal Pradesh subject to verification of title to leave.

2. Certified that Shri R. C. Kaushik, I.F.S., is likely to return to duty to the station from where he proceeds on leave.

3. The Governor, is further pleased to order that during the absence of Shri R. C. Kaushik, on leave, Shri S. S. Chahel, Conservator of Forests, Simla Circle, Simla shall hold the charge of the post of Chief Conservator of Forests, Himachal Pradesh, in addition to his own duties.

*Simla-2, the 3rd October, 1973*

No. 1-9/71-DP (Apptt).—The Governor, Himachal Pradesh is pleased to order the following transfers and postings with immediate effect in public interest:—

1. Shri P. C. Dogra, HAS, Sub-Divisional Magistrate, Kaza, District Lahaul and Spiti is transferred and posted as General Assistant to Deputy Commissioner, Kangra (Dharamsala) *vice* Shri J. C. Thapar;
2. Shri J. C. Thapar, a Select List Officer of HAS, General Assistant to Deputy Commissioner, Kangra (Dharamsala) is transferred and posted as Sub-Divisional Magistrate, Palampur, District Kangra *vice* Shri A. K. Mohapatra;
3. Shri A. K. Mohapatra, I.A.S. (H.P.), Sub-Divisional Magistrate, Palampur, District Kangra, is transferred and posted as Sub-Divisional Magistrate, Nurpur, District Kangra (vacant post);
4. Shri Hem Chand, HAS, Sub-Divisional Magistrate, Simla is transferred and posted as Deputy Director of Industries, Himachal Pradesh at Simla *vice* Shri Hari Singh;
5. Shri R. N. Bansal, HAS, presently on deputation with the Delhi Development Authority, Delhi, on reversion, is posted as Sub-Divisional Magistrate, Simla *vice* Shri Hem Chand;
6. Shri Hari Singh, HAS, Deputy Director of Industries, Himachal Pradesh, Simla is transferred and posted as Deputy Chief Electoral Officer, Himachal Pradesh, Simla (vacant post);
7. Shri C. L. Thakur, a Select List Officer of HAS, General Assistant to Deputy Commissioner,

Mandi is transferred and posted as Sub-Divisional Magistrate, Sarkaghat, District Mandi. *vice* Shri Jai Chand;

8. Shri Jai Chand, a Select List Officer of HAS, Sub-Divisional Magistrate, Sarkaghat, District Mandi is transferred and posted as General Assistant to Deputy Commissioner, Mandi *vice* Shri C. L. Thakur;
9. Shri S. Nigam HAS, Sub-Divisional Magistrate, Kalpa, District Kinnaur is transferred and posted as Manager (Transport) Headquarters in the office of the Commissioner, Transport and Tourism, Himachal Pradesh at Simla;
10. Shri S. S. Parmar, I.A.S. (H.P.), Sub-Divisional Magistrate, Dalhousie, District Chamba is transferred and posted as Sub-Divisional Magistrate, Kaza, District Lahaul and Spiti *vice* Shri P. C. Dogra;
11. Shri D. K. Negi, Select List Officer of HAS, Sub-Divisional Magistrate, Chopal, District Simla is transferred and posted as Sub-Divisional Magistrate, Bharmour, District Chamba (vacant post);
12. Shri J. C. Dutta, a Select List Officer of HAS, Land Acquisition Officer, Simla is transferred and posted as Sub-Divisional Magistrate, Theog, District Simla *vice* Shri Sher Singh;
13. Shri M. C. Padam, HAS, Sub-Divisional Magistrate, Pangti, District Chamba is transferred and posted as Land Acquisition Officer, Simla *vice* Shri J. C. Dutta;
14. Shri Nand Lal, a Select List Officer of HAS, General Assistant to Deputy Commissioner, Bilaspur is transferred and posted as Sub-Divisional Magistrate, Dalhousie, District Chamba *vice* Shri S. S. Parmar;
15. Shri Sher Singh, a Select List Officer of HAS, Sub-Divisional Magistrate, Theog, District, Simla is transferred and posted as General Assistant-cum-D. D. and P. O. Una, District Una (vacant post);
16. Shri R. L. Mehta, a Select List Officer of HAS, Sub-Divisional Magistrate, Jogindernagar, District Mandi is transferred and posted as Sub-Divisional Magistrate, Chamba, District Chamba (vacant post);
17. Shri Netar Mani, a Select List Officer of HAS, Land Acquisition Officer-II, Talwara is transferred and posted as Sub-Divisional Magistrate, Jogindernagar, District Mandi *vice* Shri R. L. Mehta; and
18. Shri R. S. Chopra, HAS, Sub-Divisional Magistrate, Paonta, District Sirmur is transferred and posted as Sub-Divisional Magistrate, Pangti, District Chamba *vice* Shri M. C. Padam.

**CORRIGENDUM**

*Simla-2, the 3rd October, 1973*

No 1-9-71-DP (Apptt).—Please substitute the name of

Shri Karam Singh, Sub-Divisional Magistrate, Nahan, District Sirmur for the name of Shri S. N. Verma, Sub-Divisional Magistrate, Kandaghat, District Solan appearing at Sl. No. 2 of this department notification of even number, dated the 22nd September, 1973 regarding deputation of officers on temporary duty to Kulu.

### NOTIFICATION

*Simla-2, the 4th October, 1973*

**No. 10-7/73-DP Apptt. (I).**—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898) as amended by the Punjab Separation of Judicial and Executive Functions Act, 1964, the Governor, Himachal Pradesh is pleased to appoint the following officers of the Himachal Pradesh Administrative Service to be the Executive Magistrates First Class, with all the powers of an Executive Magistrate First Class, under the said Code, to be exercised within the local limits of Kulu district, with immediate effect:—

1. Shri Karam Singh, and
2. Shri C. P. Pandey.

2. This supersedes this Department notification of even number, dated the 25th September, 1973.

A. K. GOSWAMI,  
*Joint Secretary.*

### PERSONNEL (VIGILANCE) DEPARTMENT NOTIFICATION

*Simla-17002, the 9th October, 1973*

**No. 8-5/72-VIG (GRV)-II.**—The Governor of Himachal Pradesh is pleased to nominate the Chairman of the Zila Parishad to the respective District Level Grievances Committee.

By order,  
U. N. SHARMA,  
*Chief Secretary.*

### CO-OPERATION DEPARTMENT NOTIFICATION

*Simla-2, the 8th October, 1973*

**No. 7-7/69-Co-op(s).**—In partial modification of Co-operative Department notification No. 5-51/64-Co-op. (C&M), dated the 18th October, 1967, and in exercise of the powers vested in him under section 24 of the Punjab Co-operative Land Mortgage Bank Act, 1957, as extended to Himachal Pradesh, the Governor, Himachal Pradesh is pleased to appoint the following Officers of Co-operative Department as Sales Officers for conducting sales of property mortgaged with the Kangra Primary Co-operative Land Mortgage Bank Ltd., Dharamsala, within the jurisdiction stated against each instead of the officers mentioned against serial No. 2 and 3 of the aforesaid notification:—

- |                                     |                  |
|-------------------------------------|------------------|
| 1. D.C. & S.O. Hamirpur.            | Distt. Hamirpur. |
| 2. D.C. & S.O. Dharamsala (Kangra). | Distt. Kangra.   |
| 3. D.C. & S.O. Una Distt.           | Distt. Una.      |

M. S. MUKHERJEE,  
*Secretary.*

### EXCISE AND TAXATION DEPARTMENT NOTIFICATIONS

*Simla-2, the 4th October, 1973*

**No. 6-4/72-E&T. (Sectt.).**—In exercise of the powers

conferred by section 12(3) of the Himachal Pradesh Entertainment Duty Act, 1968 and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to grant exemption from liability to pay entertainment duty on all the entertainments held from 4th March to 11th March, 1973 at Mandi in connection with the Shivratri Fair on which the entry was on tickets.

2. The exemption is granted subject to the condition that the net proceeds are utilised for meeting the expenses for the promotion of art and culture and other functions of public interest.

*Simla-2, the 4th October, 1973*

**No. 6-4/72-E&T. (Sectt.).**—In exercise of the powers conferred by section 12(3) of the Himachal Pradesh Entertainment Duty Act, 1968, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to accord *ex-post-facto* sanction to the grant of exemption from liability to pay entertainment duty on all the entertainments held from 17th October, 1972 to 23rd October, 1972 at Kulu in connection with the celebration of Dussehra Festival on which the entry was on tickets.

2. The exemption is granted subject to the condition that the net proceeds are utilised for meeting the expenses for the promotion of art and culture and other functions of public interests,

P. K. MATTOO,  
*Secretary.*

### GENERAL ADMINISTRATION DEPARTMENT (D-Section) NOTIFICATION

*Simla-2, the 24th August, 1973*

**No. 12-29/70-GAD-II(Pub).**—The Governor, Himachal Pradesh is pleased to re-constitute the Press Consultative Committee in Himachal Pradesh, consisting of the following:—

1. Shri Chalapati Rao, Editor, National Herald, New Delhi. *Chairman*
2. Shri Yesh, Editor, The Daily Milap, Jullundur *Vice-Chairman*
3. Shri R. M. Nair, Editor, The Tribune, Chandigarh *Member*
4. Shri C. L. Bhardwaj, Correspondent, The Times of India, Simla *Member*
5. Acharaya Diwakar Datt, Publisher, Divejyoti, Simla *Member*
6. Shri Hari Om Parkash Pandey, Editor, HIM KESARI, Simla *Member*
7. The Director of Public Relations, Himachal Pradesh *Secretary.*

2. The function of the Committee will be to consider the representations made by the persons against whom action may have to be taken under clause 6(1) of the Criminal and Election Laws (Amendments) Act, 1969.

3. The Committee shall meet at such intervals as the Chairman may deem necessary.

4. Tenure of the Committee shall be three years from the date of issue of this notification.

5. For attending meeting of the committee, the non-official member invited to attend the meetings of the aforesaid committee would be entitled to travelling allowance and daily allowance as under:—

## (a) TRAVELLING ALLOWANCE

(i) *Journey by Rail*.—He will be treated at par with Government servants of the First Grade and will be entitled to a single fare of the class of the accommodation actually used but not exceeding the fare to which the Government servants of the First Grade are normally entitled, i. e. accommodation of the highest class by whatever name it may be called provided on the railway by which the journey is performed excluding air conditioned plus an allowance for incidental expenses vide S. R. 36 restricted to one daily allowance at ordinary rate given under S.R. 51 for every twenty-four hours of the railway journey or part thereof.

(ii) *Journey by Road*.—In respect of journeys by road between places not connected by rail, a member will be entitled to road mileage admissible, to an Officer of the First Grade under the rules and at the rates as applicable to the employees of the Government of Himachal Pradesh.

In case where journey between two places connected by rail is performed by road, rail being the ordinary mode of travelling the road mileage will be regulated as under:—

- (1) When a journey is performed by taking a single seat in a public conveyance he will be entitled to actual fair paid for a seat in the public conveyance plus incidentals admissible as for journey by rail or the lower rate of road mileage limited to rail mileage, whichever is less.
- (2) When the journey is performed otherwise, the higher rate or road mileage, but limited to rail mileage will apply.

## (b) DAILY ALLOWANCE

(i) The non-official members will be entitled to daily allowance for each day of the meeting at the highest rate admissible to a Government servant of the First Grade for the respective locality.

(ii) In addition to the daily allowance for the day(s) of the meeting, a member shall also be entitled to daily allowance/halt on tour at an out station in connection with the affairs of the Committee as under:—

- (i) Halt up to six hours. Nil.
- (ii) Halt exceeding 6 hours. Half daily allowance.
- (iii) Halt exceeding 12 hours but not exceeding 24 hours. Full daily allowance.
- (iv) Halt exceeding twenty-four hours. One daily allowance for every 24 hours of halt or fraction of 24 hours at the end of halt daily allowance will be calculated as indicated above.
- (v) Daily allowance will be subject to the usual condition laid down in supplementary rule 73 as amended from time to time.

## (c) CONVEYANCE ALLOWANCE

A non-official member resident at a place where the meeting of the Committee is held will not be entitled to travelling and daily allowance on the scale indicated above, but will be allowed only the actual cost of conveyance

hire subject to the maximum of Rs. 15 per day. Before the claim is actually paid the Controlling Officer shall verify the claim and satisfy himself after obtaining such details as may be considered necessary, that the actual expenditure was not less than the amount of claim. In cases, he is not satisfied with the details, he may, at his discretion, limit the conveyance allowance to road mileage.

If such a member uses his own car, he will be granted mileage allowance at the rates admissible to officials of the First Grade subject to a maximum of Rs. 15 per day.

(d) The travelling and daily allowance will be admissible to a member on production of a certificate by him to the effect that he has not drawn any travelling or daily allowance for the same journey and halts from any other Government source.

(e) The non-official members will be eligible for travelling allowance for the journeys actually performed in connection with the meetings of the Committee from and to the place of their permanent residence to be named in advance. If any member performs a journey from a place other than the place of his permanent residence to attend a meeting of the Committee or returns to a place other than the place of his permanent residence after the termination of the meeting travelling allowance, shall be worked out on the basis of the distance actually travelled or the distance between the place of permanent residence and the venue of the meeting, whichever is less.

(f) The provisions of rule 4.17 and 6.1 of the Himachal Pradesh of the Treasury Rules will apply *mutatis mutandis* in the case of over-payment made on account of travelling allowance to non-official members of the Committee.

6. The Director of Public Relations, Himachal Pradesh Simla-2 will be the Controlling Officer in regard to the countersigning of the travelling allowance bills of the non-official members and the travelling allowance bills will be scrutinised and prepared in the office of the Director of Public Relations, Himachal Pradesh, Simla-2.

7. The expenditure will be debitable to Head "71—Misc. C-Publicity Board-C-I Publicity C-I (I) Direction (Non-Plan).

8. This issues with the concurrence of the Finance Department obtained vide their U. O. No. 2017-F, dated 15-6-73.

U. N. SHARMA,  
Secretary.

HEALTH AND FAMILY PLANNING DEPARTMENT  
NOTIFICATIONS

Simla-2, the 3rd October, 1973

No. 1-122/73-H&FP.—The Governor, Himachal Pradesh is pleased to give a higher initial start of Rs. 640 p.m. in the scale of Rs. 600-40-1000-EB-50-1300 to Dr. Debajyoti Dasgupta, Lecturer in Medicine, on his appointment in Himachal Pradesh Medical College, Simla from 9-4-1973. He will earn his next increment on 29-10-73.

By order,  
H. S. DUBEY,  
Secretary.



*Simla-2, the 3rd October, 1973*

**No. 1-177/73-H&FP.**—The Governor, Himachal Pradesh is pleased to appoint Dr. Raj Singh Dhatwalia, as Civil Assistant Surgeon (GDO Grade II) in the scale of Rs. 350-25-500-30-590/30-830-35-900 on *ad hoc* basis for a period of three months from 4-7-1973 (F. N.) or till the post is filled up on regular basis, whichever is earlier.

A. D. DHANTA,  
Under Secretary.

**INDUSTRIES DEPARTMENT  
CERTIFICATE OF APPROVAL**

*Simla-2, the 9th October, 1973*

**No. 8-61/73-SI-MM.**—This is to certify that M/s Anand Brothers, Kamlanagar, Bhavan Badrinagar, Paonta Sahib, Himachal Pradesh is approved as a person who is qualified to acquire prospecting licence and mining lease in respect of minerals except petroleum and natural gas in the territory of Himachal Pradesh, under the Mineral Concession Rules, 1960.

2. This certificate shall be valid upto the 31st December, 1973.

**CERTIFICATE OF APPROVAL**

*Simla-2, the 9th October, 1973*

**No. 8-62/73-SI(MM).**—This is to certify that M/s Anand/Co. Badrinagar, Paonta Sahib, is approved as a person who is qualified to acquire prospecting licence and mining lease in respect of minerals except petroleum and natural gas in the territory of H.P. under the Mineral Concession Rules, 1960.

2. This certificate shall be valid upto the 31st December, 1973.

**CORRIGENDUM**

*Simla-2, the 9th October, 1973*

**No. 9-33/73-SI.**—In this Department's notification of even number, dated 6th July, 1973, substitute "Deputy Director of Industries (II)" in place of Technical Organiser (Headquarters) as Member-Secretary at Sl. No. 7.

**NOTIFICATION**

*Simla-2, the 4th October, 1973*

**No. 2-170/69-SI.**—In exercise of the powers vested in him under section 5 of the Factories Act, 1948 (Act No. 63 of 1948), the Governor of Himachal Pradesh is pleased to grant exemption from the provisions of sections 51, 52, 54 and 79 of the said Act for a period of 3 months in favour of the Himachal Pradesh Government Press, Simla-3, subject to the following conditions:—

**Conditions.**—Exemption under section 79 is granted to the extent that leave may be refused where necessary in the exigencies of the services except in case of illness and to provide for accumulation of leave without limit so that the workers do not lose the benefit of leave so refused.

This exemption will take effect from the 1st April, 1973

**CERTIFICATE OF APPROVAL**

*Simla-2, the 4th October, 1973*

**No. 10-74/70-SI.**—This is to certify that Himachal Pradesh Mineral & Industrial Development Corporation is approved as a person which is qualified to acquire prospecting licence and mining lease in respect of minerals except petroleum and natural gas in the territory

of Himachal Pradesh under the Mineral Concession Rules, 1960.

2. This certificate shall be valid up to the 31st December, 1974.

By order,  
P. K. MATTOO,  
Secretary.

**JAILS DEPARTMENT**

**NOTIFICATION**

*Simla-2, the 15th September, 1973*

**No. 1-6/73-LWP (Prisons).**—In supersession of this department's notification No. 47-2/Home (Jails) 68, dated the 19th January, 1970, the Governor, Himachal Pradesh is pleased to re-constitute the State Advisory Board, Himachal Pradesh, for the Correctional Administration of jails in this Pradesh and to appoint the following as members thereof:

1. Minister of State (Prisons)	Chairman
2. Sh. Daulat Ram Chauhan, M.L.A.	Member
3. Sh. Wazir Chand, M.L.A.	Member
4. Sh. Nikoo Ram, M.L.A.	Member
5. Sh. B.D. Lakhnopal, M.L.A.	Member
6. Sh. Bhikham Ram, M.L.A.	Member
7. Sh. Zalam Singh, M.L.A.	Member
8. Sh. Vidya Dhar, M.L.A.	Member
9. Sh. Arjan Singh, M.L.A.	Member
10. Sh. Kashmiri Lal Joshi, M.L.A.	Member
11. Secretary (Law)	Member
12. Inspector General of Police	Member
13. Director of Education	Member
14. Director of Industries	Member
15. Director of Agriculture	Member
16. Director of Health Services	Member
17. Inspector General of Prisons	Member-Secretary.

2. The objectives of setting up of the State Advisory Board for Correctional Administration will be as follows:—

1. To advise about prevention, control and treatment of delinquency and crime.
2. To suggest ways and means for improving levels of co-ordination among Administration of Justice, Police Administration and Correctional Administration.
3. To suggest measures for Creating Social Consciousness for the Rehabilitation of Offenders.
4. To suggest solution to practical difficulties.
3. The tenure of the Board shall be three years.
4. The headquarters of the Committee shall be at Simla.
5. The Travelling Allowance and Daily Allowance to the non-official members will be given as per Annexure "A" enclosed.

**ANNEXURE "A"**

**NON-OFFICIALS:**

**(a) TRAVELLING ALLOWANCE**

(i) *Journey by rail.*—In respect of such journeys they will be treated at par with Government servants of the First Grade and will be entitled to a single fare of the

class of the accommodation actually used, but not exceeding the fare to which the Government servants of the First Grade are normally entitled, i. e. accommodation of the highest class, by whatever name it may be called, provided on the railway by which the journey is performed, plus an allowance for incidental expenses @ 35 paise per every 10 kilometres or part thereof, if the journey exceeds 5 kilometres provided it does not exceed the maximum of one daily allowance at the ordinary rate as laid down in S.R. 51 for every 24 hours of the railway journey or part thereof.

(ii) *Journey by road.* - In respect of journeys by road between places not connected by rail a member will be entitled to road mileage admissible to an officer of the First Grade under the rules and at the rates as applicable to the employees of the Himachal Pradesh Government.

In a case where journey between two places connected by rail is performed by rail, being the ordinary mode of travelling, the road mileage will be regulated as under:-

- (i) When a journey is performed by taking a single seat in a public conveyance, the lower rate of road mileage will apply.
- (ii) When the journey is performed otherwise, the higher rate of road mileage, but limited to rail mileage will apply.

*Note.* - Official members who are also members of Vidhan Sabha will be entitled to mileage at the same rate and on the same condition as are applicable to them as members, Vidhan Sabha, to attend the Session.

#### (b) DAILY ALLOWANCE

(i) The non-official members other than those who are members of Vidhan Sabha will be entitled to daily Allowance for each day of the meeting at the highest rate as admissible to a Government servant of First Grade for the respective locality.

(ii) The non-official members who are members of the Vidhan Sabha will be entitled to daily allowance for each day of the meeting at the same rate and on the same conditions as are applicable to them as member Vidhan Sabha to attend the Session.

(iii) In addition to daily allowance for the day(s) of the meeting a member shall also be entitled to daily allowance for halt on tour at an out station in connection with affairs of the Committee as under:-

- (i) Halt upto six hours. Nil.
- (ii) Halt exceeding 6 hours. Half daily allowance
- (iii) Halt exceeding 12 hours Full daily allowance but not exceeding 24 hours.
- (iv) Halt exceeding twenty four hours. One daily allowance for every 24 hours of halt or fraction of 24 hours at the end of halt daily allowance will be calculated as indicated above.

Daily allowance will be subject to the conditions laid down in supplementary rule, 73, as amended from time to time.

#### (c) CONVEYANCE ALLOWANCE

A non-official member, resident at a place where

meetings of the Committee is held will not be entitled to travelling and daily allowance on the scales indicated above, but will be allowed only the actual cost of conveyance hire, subject to a maximum of Rs. 15.00 per day. Before the claim is actually paid, the controlling officer should verify the claim and satisfy himself, after obtaining such details as may be considered necessary, that the actual expenditure was not less than the amount claimed. In cases he is not satisfied with the details, he may, at his discretion, limited the conveyance allowance to road mileage.

If such a member uses his own car he will be granted mileage allowance at the rate admissible to officials of the First Grade subject to a maximum of Rs. 15.00 per day.

(d) The travelling and daily allowance will be admissible to a member on production of a certificate by him to the effect that he has not drawn any travelling or daily allowance for the same journey, and halts from any other Government source.

(e) The non-official member will be eligible for travelling allowance for the journeys actually performed in connection with the meeting of the Committee from and to the place of their permanent residence to be named in advance. If any member performs journey from a place other than the place of his permanent residence to attend a meeting of the committee or returns to a place other than the place of his permanent residence after the termination of the meeting travelling allowance will be worked out on the basis of the distance actually travelled or the distance between the place of permanent residence and the venue of the meeting, whichever is less.

(f) In the case of non-official members who are members of Vidhan Sabha or the Vidhan Sabha Committee on which the members is serving, is in Session, will not be entitled to draw any daily allowance in connection with the assignment on the official/committee, as they will be drawing their daily allowance in under Salaries and Allowance of Member of the Legislative assembly, Himachal Pradesh Act, 1971, from the Vidhan Sabha. However, if he certifies that he was prevented from attending the Session of the House or the Vidhan Sabha Committee, and did not draw any daily allowance at the rate as admissible to him as M.L.A.

(g) The provisions of rule 4.17 and 6.1 of the H.P. Treasury Rules will apply *mutatis mutandis* in the case of over payments made on account of T.A. to non-official members of the committee.

(h) The Inspector General of Prisons, Himachal Pradesh, will be Controlling Officer in regard to countersigning the travelling allowance bills of the non-official members and the travelling allowance bills will be prepared by the office of the Inspector General of Prisons, Himachal Pradesh.

(i) The expenditure will be debitable to Head "22-Jails".

By order,  
PRAKASH CHAND,  
Secretary.

#### LAW DEPARTMENT NOTIFICATIONS

Simla-2, the 3rd October, 1973

No. 11-3/68-LR.—In supersession of this Department notification of even number, dated the 2nd July, 1973,

the Governor, Himachal Pradesh is pleased to accord sanction to the grant of 38 days earned leave with effect from 1st August, 1973 to 7th September, 1973 with permission to suffix holidays falling on the 8th and 9th September, 1973 (being second Saturday and Sunday) in favour of Shri Jai Chand Malhotra, District Attorney, Mandi.

2. Certified that Shri Jai Chand Malhotra, District Attorney would have continued to officiate but for his proceeding on leave for the above period and that his period of leave will count for earning annual increment.

3. Certified also that Shri Jai Chand Malhotra, District Attorney on the expiry of leave is likely to return to duty at the same station from which he was to proceed on leave.

Simla-2, the 3rd October, 1973

No. 10-3/72-LR.—In exercise of the powers conferred upon him under section 492 of the Code of Criminal Procedure, 1898, the Governor of Himachal Pradesh is pleased to appoint Shri Birbal Sharma, Government Advocate, Una to be as *Ex-Officio* Public Prosecutor for all the Criminal Courts within the jurisdiction of Una district with effect from 1st June, 1973 for a period of six months.

Simla-2, the 8th October, 1973

No. 10-3/72-LR.—In exercise of the powers conferred upon him under section 492 of the Code of Criminal Procedure, 1898, the Governor of Himachal Pradesh is pleased to appoint Shri P. S. Pathania, Government Advocate, Hamirpur to be as *Ex-Officio* Public Prosecutor for all the Criminal Courts within the jurisdiction of Hamirpur district with effect from 1st June, 1973 for a period of six months.

JOSEPH DINA NATH,  
Deputy Secretary.

## PUBLIC WORKS DEPARTMENT

### NOTIFICATIONS

Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose\* it is hereby notified that land in the locality described below is likely to be acquired for the said\* purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition, Himachal Pradesh Public Works Department, Solan.

No. 2-34/70-PWD. Simla-2, the 3rd September, 1973  
\*For Paonta-Bangren-Amboya Road.

### SPECIFICATION

District: SIRMUR

Tehsil: PAONTA

Village 1	Khasra No 2.	Area Big. Bis. 3 4
FOOLPUR	130/1	0 1
	157/1	0 4
	141/1	0 4
	153/1	0 1
	154/1	0 10
	92/1	0 3
	97/1	0 3
	91/1	0 3
	133/1	0 9
	131/1	0 3
	132/1	0 4
	148/1	0 3
	122/1	0 4
	121/1	0 3
	118/1	0 2
	119/1	0 2
	98/1	0 1
	117/1	0 5
	164/149/1	0 7

Total .. 3 12

AKAL GARH

28/1	0 3
4/1	0 1
3/1	0 4
7/1	0 2
5/1	0 1
6/1	0 1
34/1	0 2
162/1/1	0 2
162/2/1	0 8
52/1	0 12
1/1	0 9
8/1	0 11
13/1	0 3
9/1	0 9
11/1	0 8
12/1	0 6
10/1	0 6
23/1	0 4
19/1	0 2
47/1	0 4
46/1	0 4
45/1	0 4
35/1	0 5
36/1	0 4
25/1	0 4
15/1	0 7
17/1	0 2
14/1	0 4
18/1	0 6
27/1	0 2
61/1	0 1
62/1	0 1
62/3	0 11
62/2	0 1
63/1	0 5
58/1	0 1
57/1	0 2
64/1	0 6
16	5 8

1	2	3	4
	56	0	15
	164/66/1	0	3
	55/1	0	0
	Total ..	14	14

KALANOO WALA	69/1	0	6
	71/1	0	4
	64/1	0	5
	57/1	0	9
	96/1/1	1	0
	41/1	0	7
	34/1	0	6
	95/37/1	0	1
	3/1	0	2
	39/1	0	4
	97/9/1	0	14
	70	0	7
	3/1	0	12
	4	2	0
	5/1	1	14
	7/1	0	6
	6/1	0	10
	8/1	0	14
	54/1	0	2
	45/1	0	6
	55/1	0	3
	60/1	0	3
	58/1	0	2
	59/1	0	2
	44/1	0	6
	99/42/1	0	2
	100/42/1	0	3
	43/1	0	2
	29/1	0	6
	86/36/1	0	5
	30/1	0	5
	33/1	0	1
	97/92	0	10
	Total ..	19	19

By order,  
H. S. DUBEY,  
Secretary.

### REVENUE DEPARTMENT NOTIFICATION

Simla-2, the 29th September, 1973

No. 9-18/69-Rev. II (P).—In pursuance of provisions of section 16 of the Himachal Pradesh Holdings (Consolidation and Prevention of Fragmentation) Act, 1971 and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to cancel the declaration made under section 14(1) of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 in respect of Tika Khurd, Tappa Bajaur, Tehsil and District Hamirpur appearing at Sl. No. 237, Hadbast No. 47 (Total area 78 Acres) of Punjab Government notification No. 14493-A, dated the 5th September, 1962.

By order,  
L. HMINGLIANA TOCHHAWNG,  
Secretary.

### TOURISM DEPARTMENT NOTIFICATION

Simla-2, the 23rd August, 1973

No. 1-9/71-TD (Sectt).—The Governor of Himachal

Pradesh, on the recommendation of the Departmental Promotion Committee is pleased to confirm Shri H. S. Sethi as Deputy Director of Tourism, Himachal Pradesh, in the pay scale of Rs. 500-800 (Since revised to Rs. 400-30-700/40-1100), with effect from 1-11-1966.

H. S. DUBEY,  
Secretary.

### TRANSPORT DEPARTMENT NOTIFICATION

Simla-2, the 29th September, 1973

No. 8-4/69-TPT.—Whereas it appears to the Governor of Himachal Pradesh that the land specified below is required to be taken by the Himachal Pradesh Government at public expense for the public purpose, namely for the construction of Booking Office at Hamirpur by the Himachal Government Transport, it is hereby notified that the said land is required for the above purpose.

The notification is made under the provision of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, Hamirpur, District Hamirpur [Sub-Divisional Officer (Civil) Hamirpur] is hereby directed to take order for the acquisition of the said land.

The plan of the land in question may be inspected in the office of the Land Acquisition Collector, Hamirpur, District Hamirpur [Sub-Divisional Officer (Civil) Hamirpur].

### SPECIFICATION

District: HAMIRPUR Tehsil: HAMIRPUR

Village	Khasra No.	Area		
		Kls.	Mls.	Sarsa
GAURA	329/2	0	3	0
MANJHLA	325/2/2	0	6	0
	335/2/2/2	0	0	4
	328/1	0	6	0
	324/1	0	3	0
	501/1	0	8	0
	515/1	0	2	0
	323/1	0	4	0
	500	2	5	0
	502/1	0	3	0
Total ..		4	0	4

By order,  
H. S. DUBEY,  
Secretary.

### WELFARE DEPARTMENT NOTIFICATION

Simla-2, the 20th September, 1973

No. 6-1/71-Wel-Sectt.—In continuation of this department notification of even number, dated the 25th September, 1972, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission is pleased to appoint Shri S. S. Bist, Probation Officer at present on deputation with the Director General Border Roads, Government of India, against one of the six posts of District Probation Officers (Class-II Gazetted) in the pay scale of Rs. 300-600 with w.e.f. 25th September, 1972.

PRAKASH CHAND,  
Secretary.



## भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिज्जा मजिस्ट्रेटों द्वारा अधिसूचना इत्यादि

### CO-OPERATIVE DEPARTMENT OFFICE ORDERS

Simla-4, the 24th September, 1973

**No. 3-501/66-Co-op.**—In supersession of this office order of even number, dated the 23rd April, 1973, and in exercise of the powers vested in me under rule 1.26 of the Himachal Pradesh Financial Rules Vol. I, 1971, the District Co-op. & Supplies Officer (Education) is hereby declared as Drawing and Disbursing Officer in respect of Class III and Class IV staff working in this Directorate under Head 34—Co-operation/A-1. Direction and A-2. Superintendence (Heads) including staff of Establishment, Deputy Registrar (Central), (Eastern), District Co-op. and Supplies Officer (Special) Industrial (Education) (Audit) (Marketing) till further orders.

The Deputy Registrar (Marketing) Co-operative Societies will function as Controlling Officer in respect of T.A of the staff mentioned above.

The Deputy Registrar (Development) Co-operative Societies, Himachal Pradesh, shall be the Head of Office of the staff mentioned above as required under rule 1.26 of Himachal Pradesh Financial Rules, Vol. I, 1971.

Simla-4, the 4th October, 1973

**No. 4-604/66-Co-op.**—In exercise of the powers vested in me under rule 1.26 of the Himachal Pradesh Financial Rules Vol. I, 1971, the Distt. Co-op. & Supplies Officer, Dharamsala is hereby declared as Head of Office/ Drawing and Disbursing Officer in respect of Class III-IV staff working under the control of Dy. Registrar (Western) Co-op. Societies, Palampur under Head 34-A—Co-operation, A-2—Superintendence A-2(2) Pay of Establishment A-2 (3)—Allowances and Honorarium etc. A-2(4)—Contingencies and other Charges A-2(5)—Stipend/Scholarship A-2(6)1/R.C.—Grants-in-aid 96—Capital Outlay Q—Loans and Advances.

The Distt. Co-op. & Supplies Officer, Dharamsala is also declared as Controlling Officer for the purpose of T. A. etc. in respect of Class III and IV staff of Co-operative Department working under the control of Dy. Registrar (West) Co-op. Societies, Palampur.

B. D. THAPER,  
Registrar.

### OFFICE OF THE DEPUTY COMMISSIONER KINNAUR DISTRICT, KALPA

#### OFFICE ORDER

Kalpa, the 3rd. October, 1973

**No. GB-69-7659.**—The Tehsildar, Kalpa has intimated that the Kalpa Fuliach will be held on 8th October, 1973 instead of 4th October, 1973. The local holiday fixed to be observed on 4th October, 1973 is hereby cancelled and 8th October, 1973 is hereby declared to be observed as a local holiday in all the offices located within the jurisdiction of Kalpa tehsil.

Sd/-

Deputy Commissioner.

### HIMACHAL PRADESH MARKETING BOARD (MARKET COMMITTEE) NOTIFICATIONS

Simla-5, the 13th September, 1973

**No. HMB-5/72-(II)-417.**—In exercise of the powers conferred by section 9 and 10 of the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970), and all other powers enabling the Board in this behalf, the Himachal Pradesh Marketing Board hereby direct that a Market Committee shall be established for the notified market area in Simla district notified as such vide Himachal Pradesh Marketing Board notification No. HMB-6/72(II), dated the 18th June, 1973, published in the Himachal Pradesh Government Gazette, dated the 21st July, 1973 and specified in Col. 2 of the Schedule given below with its headquarter at a place mentioned in Col. 3 against such Committee which shall consist of such number of members as are specified in Col. 4 thereof:—

#### SCHEDULE

District	Name of the notified market area	Place where headquarter located	No. of members of the Market Committee
Simla	Simla	Simla	9

Simla-5, the 15th September, 1973

**No. HMB. 6/72 (II).**—In exercise of the powers conferred by sub-section (2) and (3) of section 10 of the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970) and all other powers enabling the Board in this behalf, the Himachal Pradesh Marketing Board hereby appoint the persons mentioned in columns 2, 3 and 4 of the Schedule as members of the Market Committee, Simla.

#### SCHEDULE

Name of the market area	Producers	Dealers	Official
1	2	3	4
Market Committee, Simla.	Shri Amrit Singh Rathore, M.L.A. Vill. Budshah, P.O. Pujarli No. 4 Baghi, Rohroo.	The names of 3 dealers shall be notified via Tehsil later on.	Dupty Commissioner, Simla.
	2. Shri Shonkia Ram, M.L.A., Gorkia Lodge, Kasumpti.		
	3. Shri Nigam Singh, Village Rohtan, P.O. Mandal via Hatkoti, Tehsil Jubbal.		
	4. Shri Sadh Ram, village Kelti via Matiana, Tehsil Theog.		

1	2	3	4
	5. Shri Jagjit Singh, Village Domeher. P.O Kotkhai, Sub- Tehsil Kotkhai.		

B. S. JOGI,  
Chairman.

### PUBLIC WORKS DEPARTMENT NOTIFICATIONS

Simla-3, the 24th August, 1973

No. SE-II-R-54-5/1-17985-89.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Matiana-Baragaon road, it is hereby declared that the land described in the specification below is required for the above purpose.

The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provision of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Simla.

### SPECIFICATION

District: SIMLA Tehsil: THEOG

Village	Khasra No.	Area	Remarks
1	2	Big. Bis. H. A. C.	3 4 5
NIVRI	16/1	1 2	08.27.76
	137/1	0 9	03.38.63
	145/1	0 1	00.37.63
	147/1	0 10	03.76.26
	142/1	0 17	06.39.64
	144/1	0 13	04.89.13
	5/1	1 7	10.15.89
	138	1 1	07.90.14
	14/1	1 18	14.29.77
	7/1	1 11	11.66.39
	7/2	0 4	01.50.50
	8/1	0 18	06.77.26
	208/1	1 5	09.40.64
	126/1	0 11	04.13.88
	126/2	0 4	01.50.50
	127/1	0 5	01.88.13
	143/1	0 1	00.37.63
Total		12 17	96.69.78

Simla-3, the 24th August, 1973

No. SE-II-R-54-5/17960-64.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Matiana-Baragaon road, it is hereby declared that the land described in the specification below is required for the above purpose.

The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department, is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Simla-9.

### SPECIFICATION

District: SIMLA Tehsil: THEOG

Village	Khasra No.	Area	Remarks
1	2	Big. Bis. H. A. C.	3 4 5
CHIUNDI	111/1	1 5	09.40.64
	110/1	1 2	08.27.76
Total		2 7	17.68.40

Simla-3, the 24th August, 1973

No. SE-II-R-54-5/1-7990-94.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Matiana-Baragaon road, it is hereby declared that the land described in the specification below is required for the above purpose.

The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department, is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Simla.

### SPECIFICATION

District: SIMLA Tehsil: THEOG

Village	Khasra No.	Area	Remarks
1	2	Big. Bis. H. A. C.	3 4 5
KEVKRI	134/1	0 9	03.38.63
	134/1	2 11	19.18.91
	16/1	1 7	10.15.89
Total		4 7	32.73.43

Simla-3, the 24th August, 1973

No. SE-II-R-54-5/17955-59.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Matiana-Baragaon road, it is hereby declared that the land described in the specification below is required for the above purpose.

The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may

concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department, is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh, Simla.

### SPECIFICATION

District: SIMLA		Thesil: THEOG			
Village	Khasra No.	Area	Remarks		
1	2	Big. Bis.	Ha. Are.	Cent.	
JUNGLE	87/1	0	9	03.38.63	
MEHDOVDA	89/1	1	19	14.67.40	
MARENTI	91/1	1	3	08.65.39	
(MATIANA).	86/1	1	7	10.15.89	
	14/1	2	6	17.30.78	
	33/1	2	4	16.55.53	
	94/1	0	18	06.77.26	
	95/1	1	5	09.40.64	
	3/1	3	15	28.21.93	
Total		15	6	15.13.43	

Sd/-  
Superintending Engineer,  
2nd Circle, H.P. P.W.D., Simla-3.

Hamirpur, the 3rd October, 1973

No. SE. VIII/LAK/72-23057-61.—Whereas it appears to the Governor, Himachal Pradesh that the land is likely to be required to be taken by Government at public expense for a public purpose, namely for construction of P. W. D. Godown at Hamirpur.

It is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

The notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may likely to concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in locality and do all other acts required or permitted by that section.

Any person interested, who has objection to the acquisition of any land in the locality may, within 30 days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, Himachal Pradesh Public Works Department, Kangra.

### SPECIFICATION

District: HAMIRPUR Tehsil: HAMIRPUR

Village	Khasra No.	Area	
1	2	Kanals	Marlas
JHANIARA	190/5	18	8
JHAMER			
HINDUAN.			
Total		18	8

Sd/-  
Superintending Engineer,  
8th Circle, H. P. P. W. D., Hamirpur.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा

हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनैन्शल कमिशनर तथा कमिशनर आफ़

इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

### ANIMAL HUSBANDRY DEPARTMENT

#### NOTIFICATION

Simla-2, the 5th September, 1973

No. 16-2/69-AH(Sectt)-II.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission obtained vide their letter No. 1-3/71-PSC, II, dated the 25th November, 1972, is pleased to amend the existing Recruitment Rules for Class II posts in Animal Husbandry Department as noted in Annexure III in respect of posts of District Animal Husbandry Officer/Key Village Officer/Research Officer, Sheep Breeding Farm, Sarahan,

Manager, Sheep Breeding Farm, Chamba, Tall, (Hamirpur Karchham, Manager, Goat Breeding Farm Kothipura, Officer Incharge, Training (Sheep and Wool), Research Officer (Wool Analysis Laboratory) Equine Geneticist, Animal Geneticist/Poultry Development Officer, Assistant Poultry Development Officer, Manager, Regional Poultry Farm, Kamlahi/Disease Investigation Officer, Assistant Disease Investigation Officer, Liver Fluke Control Officer/Manager, Cattle Breeding Farm, Kataula, Cattle Development Officer, Dairy Development Officer (HQ), Manager, Jersey Cattle Breeding Farm, Palampur/Planning Officer, Information Officer, Marketing Officer and Extension Officer and in Annexure I for the posts of Research Officer (Wool Analysis Laboratory) Officer Incharge Training (Sheep and Wool), Dairy Development Officer, with immediate effect.

## ANNEXURE III

1

2

3

Form for submitting proposal to the Department of Pers. (A) and the Himachal Pradesh Public Service Commission for amending the approved recruitment and Promotion Rules

- (a) Name of the Post Class II (Gazetted)  
 (b) Name of the Department Animal Husbandry Department Himachal Pradesh  
 (c) Reference No. in which Commission's advice on Recruitment rules was obtained.

Col. No.	Existing provision	Revised provision as approved by the Himachal Pradesh Public Service Commission/ Himachal Pradesh Government
1	2	3

## A—DISTRICT ANIMAL HUSBANDRY OFFICERS

2. Five Eight  
 4. Rs. 250-25-550/25-750 Rs. 350-25-500-30-590/30-830-35-900.  
 7. (i) Degree in Veterinary Science from a recognised University or equivalent. (i) Degree/Diploma in Veterinary Science of a recognised University/Institution.  
 10. By Promotion 50% By direct recruitment 50% By Promotion 66⅔% By direct recruitment 33-1/3%.

## B—KEY VILLAGE OFFICER

4. Rs. 250-25-550/25-750. Rs. 350-25-500-30-590/30-830-35-900.  
 7. (i) Degree in Veterinary Science from a recognised University or equivalent. (i) Degree/Diploma in Veterinary Science of a recognised University/Institution.

## A—SHEEP BREEDING FARM SCHEME

1. 1. Research Officer, Sheep Breeding Farm, Sarahan. 1. Research Officer, Sheep Breeding Farm, Sarahan.  
 2. Manager, Sheep Breeding Farm, Chamba. 2. Manager, Sheep Breeding Farm, Chamba.  
 3. Manager, Goat Breeding Farm, Kothi-pura 3. Manager Sheep Breeding Farm, Tal (Hamirpur).  
 4. Officer Incharge, Training (Sheep and Wool) 4. Manager Sheep Breeding Farm, Karchham.  
 5. Manager, Sheep Breeding Farm, Karchham.  
 6. Research Officer, (Wool Analysis Laboratory).  
 4. Rs. 250-25-550/25-750. Rs. 350-25-500-30-590/30-830-35-900.  
 10. 50% Promotion 66⅔% by Promotion. 50% direct recruitment 33⅓% by direct recruitment for posts at No. 1, 2, 3 and 5. above.

## B—HORSE AND MULE BREEDING SCHEME

1. Enquire Geneticist Omitted.  
 Animal Geneticist. Omitted.  
 2 to 13. Omitted.

## C—POULTRY DEVELOPMENT SCHEME

1. 1. Poultry Development Officer. 1 Poultry Development Officer.  
 2. Assistant Poultry Development Officer. 1  
 3. Manager, Regional Poultry Farm, Kam-lahi. 1  
 2. 3. 4.  
 4. Rs. 250-25-550/25-750. Rs. 350-25-500-30-590/30-830-35-900.  
 10. 50% By promotion 66⅔% by Promotion. 50% By direct recruitment. 33⅓% by direct recruitment.

## D—DISEASE INVESTIGATION AND ITS CONTROL

1. 1. Disease Investigation Officer. 1 Disease Investigation Officer.  
 2. Assistant Disease Investigation Officer. 1—2  
 3. Liver Fluke Control Officer. 1  
 2. 3. 2  
 4. Rs. 250-25-550/25-750 Rs. 350-25-500-30-590/30-830-35-900.  
 10. 50% By Promotion 66⅔% by Promotion. 50% By direct recruitment. 33⅓% by direct recruitment.

## E—CATTLE DEVELOPMENT SCHEME

1. 1. Manager, Cattle Breeding Farm, Kataula-1 Manager, Government Livestock Farm, Kamand-I.  
 2. Cattle Development Officer 1 2, Cattle Development Officers 2.  
 3. Dairy Development Officer(Hq.) 1 3. Manager, Jersey Cattle Breeding Farm, Palampur-1.  
 10. 50% by Promotion 66⅔% by Promotion. 50% by direct recruitment. 33⅓% by direct recruitment.

## F—SPECIALIST AT HEADQUARTERS

1. Planning Officer 1 Omitted.  
 2. Information Officer 1 Omitted.  
 3. Marketing Officer 1 Omitted.  
 4. Extension Officer 1 Omitted.

## ANNEXURE I

## A-2—SHEEP BREEDING FARM SCHEME

1. Name of post Research Officer (Wool Analysis Laboratory).  
 2. No. of posts One.  
 3. Scale of pay Rs. 350-25-500-30-590/30-830-35-900.  
 4. Classification Class-II (Gazetted).



1	2	3	1	2	3
5. Whether selection post or non-selection post.	Selection.		10. Method of recruitment whether by direct recruitment or by promotion/transfer and percentage of the vacancies to be filled by various methods.	Direct recruitment.	
6. Age for direct recruits.	35 years and below (relaxable for Government servants).		11. In case of recruitment by promotion/deputation/transfer grade from which promotion/deputation/transfer to be made.	Not applicable.	
7. Minimum educational and other qualifications for direct recruits.	Essential: (i) Degree or Diploma in Veterinary Sc. or Animal Husbandry as a special subject of a recognised University/Institution. (ii) About 2 years training experience of statistical work in the field of Animal Husbandry, preferably in wool Analysis Lab. or Master's degree in Statistics or Maths. of a recognised University with post-graduate training in Statistics of Animal Husbandry. (iii) About 2 years experience of Statistical work in a wool Analysis Laboratory. (2) Working knowledge of Hindi (Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified). Desirable: (i) Training in Sheep Husbandry and Wool Technology at a recognised training Centre. (ii) Experience of work in a recognised Sheep Breeding Farm. (iii) Working knowledge of Hindi. (iv) Knowledge of customs, manners and dialects of Himachal Pradesh.		12. If Departmental Promotion Committee exists, what is its composition.	Departmental Promotion Committee to be presided over by the Chairman of the Himachal Pradesh Public Service Commission or a member thereof to be nominated by him.	
			13. Circumstances under which Public Service Commission is to be consulted in making recruitment.	As required under the law.	
ANNEXURE I					
A-1—SHEEP BREEDING FARM SCHEME					
			1. Name of post	Officer Incharge Training (Sheep and Wool).	
			2. No. of post	One	
			3. Scale of pay	Rs. 350/25-500-30-590/30-830-35-900.	
			4. Classification	Class-II (Gazetted).	
			5. Whether selection post or non-selection post.	Selection.	
			6. Age for direct recruits.	35 years and below (relaxable for Government servants).	
			7. Minimum educational and other qualifications for direct recruits.	(i) Degree/Diploma in Veterinary Science of a recognised University/Institution. (ii) About three years experience in teaching sheep/goat Husbandry. (Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified). Desirable: (i) Training in Statistics. (ii) Working knowledge of Hindi. (iii) Knowledge of customs, manners and dialects of Himachal Pradesh.	
8. Whether age and Educational qualifications prescribed for direct recruits will apply in case of Promotions.	Not applicable.		8. Whether age and educational qualifications prescribed for direct recruits will apply in case of promotees.	Not applicable.	
9. Period of probation, if any.	2 years' subject to such further extension for a period not exceeding one year as may be ordered by competent authority in special circumstances and for reasons to be recorded in writing.				

1	2	3	1	2	3
9. Period of probation, if any.	2 years, subject to such further extension for a period not exceeding one year, as may be ordered by competent authority in special circumstances and for reasons to be recorded in writing.				(ii) Knowledge of customs, manners and dialect of Himachal Pradesh. (iii) Working knowledge of Hindi.
10. Method of recruitment whether by direct recruitment or by promotion/transfer and percentage of the vacancies to be filled by various methods.	Direct recruitments.		8. Whether age and educational qualifications prescribed for direct recruit will apply in case of promotees.	No.	
11. In case of recruitment by promotion/deputation/transfer, grade from which promotion/deputation/transfer to be made.	Not applicable.		9. Period of probation, if any.	2 years' subject to such further extension for a period not exceeding one year as may be ordered by competent authority in special circumstances and for reasons to be recorded in writing.	
12. If Departmental Promotion Committee exists, what is its composition.	Departmental Promotion Committee to be presided over by the Chairman of the Himachal Pradesh Public Service Commission or a member thereof to be nominated by him.		10. Method of recruitment whether by direct recruitment or by promotion/transfer and percentage of the vacancies to be filled by various methods.	66-2/3% by promotion and 33-1/3% by direct recruitment.	
13. Circumstances under which Public Service Commission is to be consulted in making recruitments.	As required under the law.		11. In case of recruitment by promotion/deputation/transfer, grade from which promotion/deputation/transfer to be made.	Promotion:—From amongst Diary Supervisors/Inspector (with 4 years experience in the grade).	
			12. If Departmental Promotion Committee exists, what is its composition.	Departmental Promotion Committee to be presided over by the Chairman of the Himachal Pradesh Public Service Commission or a member thereof to be nominated by him.	

## DIARY DEVELOPMENT SCHEMS

1. Name of post	Diary Development Officer.
2. No. of post	One.
3. Scale of pay	350-900.
4. Classification	Class-II (Gazetted).
5. Whether selection post or non-selection post.	Selection.
6. Age for direct recruits.	35 years and below (relaxable for Government servants).

*Essential:*

7. Minimum educational and other qualifications for direct recruits.
- Degree or Diploma in Diary Science of a recognised University/Institution.
  - About 2 years' experience in the management of Diary Farm. (Qualifications relaxable at Commission discretion in case of candidates otherwise well qualified).

*Desirable:*

- Training in Diary Development.

- Circumstances under which Public Service Commission is to be consulted in making recruitments.

AJAY PRASAD,  
Deputy Secretary.

## GENERAL ADMINISTRATION DEPARTMENT

## (SECTION B)

## NOTIFICATION

Simla-2, the 10th September, 1973

No. 8-10/73-GAB.—In exercise of the powers vested in him, the Governor, Himachal Pradesh under the proviso to article 309 of the Constitution is pleased to make the following rules in regard to the following matters, namely:

- the method of recruitment to the Himachal Pradesh Mountaineering and Allied Sports Class IV services;
- the qualifications necessary for appointment to such services and posts; and
- the conditions of service of persons appointed to such service and posts for the purpose of probation, confirmation, seniority and promotion.

## RECRUITMENT RULES

### PART I—GENERAL

1. *Short title and commencement.*—(a) These rules may be called Himachal Pradesh Mountaineering and Allied Sports Class IV Service (Recruitment, Promotion and Certain Conditions of Service) Rules, 1973.

(b) These rules shall come into force from the date of notification in the Official Gazette.

2. *Definitions.*—In these rules, unless there is anything repugnant in subject or context:

(a) 'direct Recruitment' means an appointment made otherwise than by promotion from amongst the members of the service or by transfer of an official already in the service of Himachal Pradesh Government or of the Union of India;

(b) 'government' means the Government of Himachal Pradesh;

(c) 'member' means a member of the Himachal Pradesh Mountaineering and Allied, Sports Class IV Service;

(d) 'scheduled Caste' means castes, races or tribes or parts of groups within castes, races or tribes specified in the Constitution (Scheduled Castes) Order, 1950 as amended by section 19(1) read with the 1st Schedule of the State of Himachal Pradesh Act 1970 (53 of 1970), and as it may be further amended from time to time;

(e) 'scheduled Tribes' means the tribes or tribal communities or part of, or groups within tribes or tribal communities specified in the schedule to the Constitution (Scheduled Tribes) Order, 1950 as amended by section 20(1) read with Third Schedule of the State of Himachal Pradesh Act 1970 (53 of 1970), and as it may further be amended from time to time;

(f) 'service' means the Himachal Pradesh Mountaineering and Allied Sports, Class IV Service;

(g) 'school' means any school run by the Government or by a local body and declared recognised by the Government.

### PART II—RECRUITMENT TO SERVICE

3. *Character of Posts.*—The character (*i.e.* designation, grade etc.) of the various posts included in the services and their rates of pay shall be as indicated in the Annexure 'A' to these rules subject to any additions/reductions that may be made under the orders of the Government.

4. *Authority empowered to make appointment.*—All appointments to the posts in the service shall be made by the Head of Office or any other authority declared as such by the Government.

5. *Nationality, eligibility and age etc.*—(1) A candidate for appointment to any post in the service must be:—

(a) a citizen of India, or

(b) a subject of Sikkim, or

(c) a subject of Nepal, or

(d) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India;

Provided that if he belongs to categories (c) and (d) he must be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he belongs to category (d) the certificate of eligibility will be valid only for period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

A candidate in whose case a certificate of eligibility

is necessary may be admitted to an examination of interview and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government; and

(2) Unless he is already in Government service must produce:—

(a) a certificate of good moral character from Head of the recognised school last attended;

(b) certificate of good moral character from the two responsible persons, not being his relative who are well acquainted with him in private life and unconnected with his school or other educational institution;

(c) a medical certificates as required under the rules;

(d) a declaration to the effect that he has not more than one living wife or in the case of female that she has not married a man having a living wife;

*Note.*—(a) No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to service.

(b) No woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service:

Provided that the Government may, if satisfied, that there are special grounds for doing so, exempt any person from the operation of rule in clause (d) above, subject to observance of the Government's instructions in this behalf.

(3) He must not be less than 18 years and not more than 27 years of age on the date of his appointment:

Provided that minimum and maximum age limit as prescribed may be relaxed by the Himachal Pradesh Government in pursuance of the administrative instructions issued by the Government from time to time:

Provided further that the maximum age limit may be relaxed in the case of scheduled Castes/Tribes candidate, displaced persons and other special categories in accordance with the orders issued by the Government from time to time.

6. *Educational qualifications of Candidates.*—No person shall be appointed to the service, unless in the case of appointment to the posts of:—

(i) *Peons, Chaukidars, Sweeper and Frash.*—He has passed the Primary Standard examination of recognised school or above,

(ii) *Mali.*—He should possess a certificate of gardening from the Agriculture Department of the Himachal Pradesh Government:

Provided the educational qualifications as prescribed above may be relaxed by orders of the appointing authority in case persons of requisite qualifications for appointment to the Class IV service are not available with Employment Exchanges.

7. *Method of recruitment.*—Posts in the service shall be filled by direct appointment.

Nothing in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the instruction in force in the State from time to time in this regard.

8. *Departmental Promotions Committee.*—The Department Promotion Committee in respect of the service

shall be as constituted and notified separately by the Head of the Department.

### PART III—CONDITIONS OF SERVICE

9. *Probation of Members of Service.*—(i) Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service, remain on probation for a period of two years.

*Explanation.* Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on the completion of the probationary period prescribed, be confirmed until he is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his period of probation is, in the opinion of the appointing authority not satisfactory the appointing authority may dispense with his service.

(iii) On completion of the period of probation of any member, the appointing authority prescribed in rule 4, may confirm such member in his appointment or if his work or conduct has, in the opinion of the appointing authority, not been satisfactory may dispense with his services or any extend the period of probation or 1 year and thereafter pass such orders on the expiry of the probation as the case may be as it could have passed on the expiry of the first period of probations:

Provided always that the total period of probation shall not exceed three years.

10. *Discipline Penalties and Appeals.*—(i) In the matters relating to discipline, Punishment and appeals, members of the service shall be governed by the service rules as may be applicable to the employees of the Himachal Pradesh Government from time to time unless one has exercised the option otherwise.

(ii) The nature of penalties which may be imposed, the authority empowered to impose such penalties and appellate authority subject to the provisions of any law or rules may under Article 309 of the Constitution of India, shall be as specified in Annexure 'B' to these Rules.

11. *Seniority of Members of Service.*—(i) Persons appointed in a substantive or officiating capacity to a grade prior to the issue of these rules shall retain the relative seniority already assigned to the or such seniority as may be assigned to them under the existing orders applicable to their cases shall en bloc be senior to all others in that grade.

(ii) Subject to sub-rule (i) the seniority of members of service shall in each class of appointment shown in Annexure 'A' will be determined by the dates of their substantive appointment to a permanent vacancy in each class:

Provided that if two or more members are appointed on the same date, the older member shall be senior to the younger member.

12. *Leave and Pension etc.*—In respect of leave, pension and other cognate matters not expressly provided for in these rules, the members of the service shall be governed by such rules and regulations as may have been or may hereafter be framed by competent authority under Article 309 of the Constitution of India or any law or rules made there under.

### ANNEXURE "A"

#### To Himachal Pradesh Mountaineering and Allied Sports Class IV Service Recruitment and Promotion Rules, 1973

Character of Posts	Grade
1. Peon	Rs. 70-2-80/3-95.
2. Chowkidar	Rs. 70-2-80/3-95.
3. Sweeper	Rs. 70-2-80/3-95.
4. Frash	Rs. 70-2-80/3-95.
5. Mali	Rs. 70-2-80/3-95.

### ANNEXURE "B"

#### Annexure 'B' to Himachal Pradesh Mountaineering and Allied Sports Class IV Service Recruitment and Promotion Rules 1973

1. *Punishing authority.*—Head of Office.
2. *Appellate authority.*—Head of Department.

Designation of posts 1	Nature of penalties 2
Class IV Posts	<ol style="list-style-type: none"> <li>(1) Censure.</li> <li>(2) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.</li> <li>(3) Withholding of increments or promotion including stoppage at an efficiency bar, if any.</li> <li>(4) Reduction to a lower or time-scale or to a lower stage in time scale.</li> <li>(5) Suspension.</li> <li>(6) Removal from the service of the Government which does not disqualify from future employment.</li> <li>(7) Dismissal from Civil Service of the Government which ordinarily disqualifies from future employment.</li> <li>(8) Reducing the maximum amount of ordinary pension or withholding the whole or reducing the maximum amount of additional pension admissible under the rules governing pensions.</li> <li>(9) Terminating his appointment, otherwise than upon his reaching the age fixed for superannuation.</li> </ol>

U. N. SHARMA,  
Chief Secretary.

### INDUSTRIES DEPARTMENT

#### NOTIFICATION

Simla-2, the 6th September, 1973

No. 10-17/71-SI-Vol. II.—In exercise of the powers conferred by Section 15, read with clause (b) of section 2, of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), the Governor of Himachal Pradesh is pleased to make the following rules for the purpose



of the said Act, the same having been previously published vide this Government notification of even number, dated the 3rd August, 1972, in Himachal Pradesh Government Rajpatra, dated the 28th October, 1972.

## RULES

1. (1) These rules may be called the Industrial Employment (Standing Orders) Himachal Pradesh Rules, 1972.

(2) They shall apply to all industrial establishments in Himachal Pradesh in respect of which the Himachal Pradesh Government is the appropriate Government.

2. In these rules unless there is anything repugnant in the subject or context,—

(a) 'Act' means the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946).

(b) 'Form' means a form set out in Schedule II appended to these rules.

3. The model standing orders for the purposes of the Act shall be those set out in Schedule I appended to these rules.

4. An application for certification of standing orders shall be made in Form I.

5. The prescribed particulars of workmen for the purposes of sub-section (3) of section 3 of the Act shall be—

- (1) total number employed,
- (2) number of permanent workmen,
- (3) number of temporary workmen,
- (4) number of casual workmen,
- (5) number of badlis or substitutes,
- (6) number of probationers,
- (7) number of apprentices,
- (8) name of the trade union or trade unions, if any, to which the workmen belong,
- (9) remarks.

6. As soon as may be after he receives an application under rule 4 in respect of an industrial establishment, the certifying officer shall—

- (a) where there is a trade union of the workmen, forward a copy of the draft standing orders to the trade union together with a notice in Form II;
- (b) where there is no such trade union, call a meeting of the workmen to elect three representatives, to whom he shall, upon their election, forward a copy of the draft standing orders together with a notice in Form II.

7. Standing orders certified in pursuance of sub-section (3) of section 5 or sub-section (2) of section 6 of the Act shall be authenticated by the signature and seal of office of the certifying officer or the appellate authority, as the case may be, and shall be forwarded by such officer or authority within a week of authentication by registered letter post to the employer and to the trade union, or, as the case may be, the representatives of the workmen elected in pursuance of rule 6.

8. (1) Any person desiring to prefer an appeal in pursuance of sub-section (1) of section 6 of the Act shall draw up a memorandum of appeal setting out the grounds of appeal and forward it in quadruplicate to the appel-

late authority accompanied by a certified copy of the standing orders, amendments or modifications, as the case may be.

(2) The appellate authority shall, after giving the appellant an opportunity of being heard, confirm the standing orders, amendments or modifications as certified by the certifying officer unless it considers that there are reason for giving the other parties to the proceedings a hearing before a final decision is made in the appeal.

(3) Where the appellate authority does not confirm the standing orders, amendments or modifications, it shall fix a date for the hearing of the appeal and direct notice thereof to be given—

(a) where the appeal is filed by the employer or a workman, to trade unions of the workmen of the industrial establishments, and where there are no such trade unions to the representatives of workmen elected under clause (b) of rule 6, or as the case may be, to the employer;

(b) where the appeal is filed by a trade union, to the employer and all other trade unions of the workmen of the industrial establishment;

(c) where the appeal is filed by the representatives of the workmen, to the employer and any other workmen, whom the appellate authority joins as a party to the appeal.

(4) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.

(5) The appellate authority may at any stage call for any evidence it considers necessary for the disposal of the appeal.

(6) On the date fixed under sub-rules (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called for or consider to be relevant.

9. The register required to be maintained by section 8 of the Act shall be in Form-III and shall be properly bound, and the certifying officer shall furnish a copy of standing orders approved for an industrial establishment to any person applying therefor on payment calculated at the following rates per copy:—

(i) for the first two hundred words or less seventy-five paise;

(ii) for every additional one hundred words or fraction thereof thirty-seven paise:

Provided that, where the said standing orders exceeds five pages, the approximate number of words per page shall be taken as the basis for calculating the total number of words to the nearest hundred, for the purpose of assessing the copying fee.

10. The Industrial Employment (Standing Orders) Central Rules, 1946, as in force in the areas, which comprised Himachal Pradesh immediately before the 1st November, 1966 and Industrial Employment (Standing Orders) Punjab Rules, 1949 as in force in the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (Central Act 31 of 1966) are hereby repealed:

Provided that such repeal shall not effect—

- (a) the previous operation of the said rules or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability,

acquired, accrued or incurred under the said rules;

- (c) any penalty, forfeiture or punishment in respect of any offence committed against the said rules;
- (d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty forfeiture or punishment as aforesaid; and
- (e) any such investigation, legal proceeding or remedy instituted, continued or enforced, and any such penalty forfeiture or punishment may be imposed, as if these rules had not been framed.

## SCHEDULE I

(See rule 3)

### MODEL STANDING ORDERS

1. These orders shall come into force on.....

2. *Classification of workmen.*—(a) Workmen shall be classified as—

- (1) permanent,
- (2) probationers,
- (3) badlis,
- (4) temporary,
- (5) casual,
- (6) apprentices,

(b) A "permanent" workman is a workman who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial establishment including breaks due to sickness, accident, leave, lock-out, strike (not being an illegal strike) or involuntary closure of the establishment.

(c) A "probationer" is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed three months' service therein. If a permanent employee is employed as a probationer in a new post he may, at any time during the probationary period of three months, be reverted to his previous permanent post.

(d) A "badli" is a workman who is appointed in the post of a permanent workman or probationer who is temporarily absent.

(e) A "temporary" workman is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period.

(f) A "casual" workman is a workman whose employment is of a casual nature.

(g) An "apprentice" is a learner who is paid an allowance during the period of his training.

3. *Tickets.*—(1) Every workman shall be given a permanent ticket unless he is a probationer, badli, temporary, casual worker or apprentice.

(2) Every permanent workman shall be provided with a departmental ticket showing his number, and shall, on being required to do so, show it to any person authorised by the manager to inspect it.

(3) Every badli shall be provided with the badli card, on which shall be entered the days on which he has worked

in the establishment, and which shall be surrendered if he obtains permanent employment.

(4) Every temporary workman shall be provided with a "temporary" ticket which he shall surrender on his discharge.

(5) Every casual worker shall be provided with a "casual" card, on which shall be entered the days on which he has worked in the establishment.

(6) Every apprentice shall be provided with an "apprentice" card which shall be surrendered if he obtains permanent employment.

4. *Publication of working time.*—The periods and hours of work for all classes of workers in each shift shall be exhibited in English and in Hindi on notice boards maintained at or near the main entrance of the establishment and at time-keeper's office, if any.

5. *Publication of holidays and pay days.*—Notices specifying (a) the days observed by the establishment as holidays, and (b) pay days shall be posted on the said notice boards.

6. *Publication of wage rates.*—Notices specifying the rates or wages payable to all classes of workman and for all classes of work shall be displayed on the said notice boards.

7. *Shift Working.*—More than one shift may be worked in a department or departments or any section of a department of the establishment at the discretion of the employer. If more than one shift is worked, the workmen shall be liable to be transferred from one shift to another. No shift working shall be discontinued without two months' notice being given in writing to the workmen prior to such discontinuance:

Provided that no such notice shall be necessary if the closing of the shift is under an agreement with the workmen affected. If as a result of the discontinuance of the shift working, any workmen are to be retrenched, such retrenchment shall be effected in accordance with the provisions of the Industrial Disputes Act, 1947 (14 of 1947) and the rules made thereunder. If shift working is re-started, the workmen shall be given notice and re-employed in accordance with the provisions of the said Act and the said rules.

8. *Notice of changes in shift working.*—Any notice of discontinuance or of restarting of a shift working required by Standing Order 7 shall be in the form appended to these orders and shall be served in the following manner, namely:—

The notice shall be displayed conspicuously by the employer on a notice-board at the main entrance to the establishment and in the manager's office:

Provided that where any registered trade union of workmen exists, a copy of the notice shall also be served by registered post on the Secretary of such union.

9. *Attendance and late coming.*—All workmen shall be at work at the establishment at the time fixed and notified under Paragraph 4. Workmen attending late will be liable to the deductions provided for in the Payment of Wages Act, 1936 (Act No. 4 of 1936).

10. *Leave.*—(1) Holidays with pay will be allowed as provided for in Chapter IV-A of the Factories Act, 1948 (63 of 1948) and other holidays in accordance with

law, contract, custom and usage.

(2) A workman who desires to obtain leave of absence shall apply to the manager, who shall issue orders on the application within a week of its submission or two days prior to the commencement of the leave applied for, whichever is earlier, provided that if the leave applied for is to commence on the date of the application or within three days thereof, the order shall be given on the same day. If the leave asked for is granted, a leave pass shall be issued to the worker. If the leave is refused or postponed, the fact of such refusal or postponement and the reasons therefor shall be recorded in writing in a register to be maintained for the purpose, and if the worker so desires, a copy of the entry in the register shall be supplied to him. If the workman after proceeding on leave desires an extension thereof, he shall apply to the manager who shall send a written reply either granting or refusing and if such reply is likely to reach his address is available of the leave originally granted to him.

(3) If the workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose his lien on his appointment unless he (a) returns within 8 days of the expiry of the leave and (b) explain to the satisfaction of the manager his inability to return before the expiry of his leave. In case the workman loses his lien on his appointment, he shall be entitled to be kept on the badli list.

**11. Casual and sick leave.**—(1) Every workman shall be allowed casual and sick leave in accordance with the Himachal Pradesh Industrial Establishment (National and Festival Holidays and Casual and Sick Leave) Act (Act No. 7 of 1970) and rules framed thereunder.

**12. National/Festival Holidays.**—Every workman shall be allowed National and Festival holidays in accordance with the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act (Act No. 7 of 1970) and rules framed thereunder.

**13. Payment of Wages.**—(1) Any wages, due to the workmen but not paid on the usual pay day on account of their being unclaimed, shall be paid by the employer on an unclaimed wage pay day in each week, which shall be notified on the notice board as aforesaid.

(2) All workmen will be paid wages on a working day before the expiry of the seventh or the tenth day after the last day of the wage period in respect of which the wages are payable, according as the total number of workmen employed in the establishment does not or does exceed one thousand.

**14. Stoppage of work.**—(1) The employer may, at any time in the event of fire, catastrophe, breakdown of machinery or stoppage of power supply, epidemics, civil commotion or other cause beyond his control, stop any section or sections of the establishment, wholly or partially for any period or periods without notice.

(2) In the event of such stoppage during working hours, the workmen affected shall be notified by notices put upon the notice-board in the department concerned, or at the office of the manager, as soon as practicable, when work will be resumed and whether they are to remain or leave their place of work. The workmen shall not ordinarily be required to remain for more than two hours after the commencement of the stoppage. If the period of detention does not exceed one hour the workmen so detained shall not be paid for the period of detention. If the period of detention exceeds one hour, the workmen so detained shall be entitled to receive wages

for the whole of the time during which they are detained as a result of the stoppage. In the case of piece rate workers, the average daily earning for the previous month shall be taken to be the daily wages. No other compensation will be admissible in case of such stoppage. Whenever practicable, reasonable notice shall be given of resumption of normal work.

(3) In case where workmen are laid off for short periods on account of failure of plant or a temporary curtailment of production, the period of un-employment shall be treated as compulsory leave either with or without pay, as the case may be. When, however, workmen have to be laid off for an indefinitely long period, their services may be terminated after giving them due notice or pay in lieu thereof.

(4) The employer may in the event of a strike affecting either wholly or partially any section or department of the establishment close down neither wholly or partially such section or department and any other section or department affected by such closing down. The fact of such closure shall be notified by notices put on the notice board in the section or department concerned and in the time-keeper's office, if any, as soon as practicable. The workmen concerned shall also be notified by a general notice, prior to resumption of work, as to when work will be resumed.

**15. Termination of Employment.**—(1) For terminating employment of a permanent workman, notice in writing shall be given either by the employer or the workman one month's notice in the case of monthly rated workmen and two week's notice in the case of other workmen. One month's or two weeks' pay, as the case may be, may be paid in lieu of notice.

(2) No temporary workman whether monthly-rated, weekly-rated or piece-rated and no probationer, badli or casual worker entitled to any notice or pay in lieu thereof if his services are terminated, but the services of a temporary workman shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him in the manner prescribed in Paragraph 14.

(3) Where the employment of any workman is terminated, the wages earned by him and other dues, if any, shall be paid before the expiry of the second working day from the date on which his employment is terminated.

**16. Disciplinary Action for Misconduct.**—(1) A workman may be fined up to two per cent of his wages in a month for the following acts and omissions, namely:—

*Note.*—Specify the acts and omissions which the employer may notify with the previous approval..... of the prescribed authority in pursuance of section 8 of the Payment of Wages Act, 1936 (4 of 1936).

(2) A workman may be suspended for a period not exceeding four days at a time, or dismissed without notice or any compensation in lieu of notice, if he is found to be guilty of misconduct.

(3) The following acts and omissions shall be treated as misconduct:—

(a) wilful insubordinate or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior;

(b) theft, fraud or dishonesty in connection with the employer's business or property;

(c) wilful damage to or loss of employer's goods.

- or property;
  - (d) taking or giving bribes or any illegal gratification;
  - (e) habitual absence without leave or absence without leave for more than 10 days;
  - (f) habitual late attendance;
  - (g) habitual breach of any law applicable to the establishment;
  - (h) riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline;
  - (i) habitual negligence or neglect of work;
  - (j) frequent repetition of any act or omission for which a fine may be imposed to a maximum of 2 per cent. of the wages in a month;
  - (k) striking work or inciting others to strike work in contravention of the provisions of any law or rule having the force of law.
- (4) (a) Where a disciplinary proceeding against a workman is contemplated or is pending or where criminal proceedings against him in respect of any offence are under investigation or trial and the employer is satisfied that it is necessary or desirable to place the workman under suspension, he may by order in writing suspend him with effect from such date as may be specified in the order. A statement setting out in detail the reasons for such suspension shall be supplied to the workman within a week from the date of suspension.
- (b) A workman who is placed under suspension under clause (a) shall, during the period of such suspension, be paid a subsistence allowance at the following rates, namely:—
- (i) Where the enquiry contemplated or pending is departmental the subsistence allowance shall, for the first ninety days from the date of suspension be equal to one-half of the basic wages, dearness allowance and other compensation allowance to which the workman would have been entitled if he were on leave with wages. If the departmental enquiry gets prolonged and the workman continues to be under suspension for a period exceeding ninety days, the subsistence allowance shall for such period be equal to three-fourths of such basic wages, dearness allowance and other compensatory allowance:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the workman, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of such basic wages, dearness allowance and other compensatory allowance.

- (ii) Where the enquiry is by an outside agency or, as the case may be, where criminal proceedings against the workman are under investigation or trial the subsistence allowance shall, for the first one hundred and eighty days from the date of suspension, be equal to one-half of his basic wages, dearness allowance and other compensatory allowances to which the workman would have been entitled to if he were on leave. If such enquiry or criminal proceedings gets prolonged and the workman continues to be under suspension for a period exceeding one hundred and eighty days, the subsistence allowance shall for such period be equal to three-fourths of such wages:

Provided that where such enquiry or criminal proceedings is prolonged beyond a period of one hundred and

eighty days for reasons directly attributable to the workman, the subsistence allowance shall, for the period exceeding one hundred and eighty days, be reduced to one-fourth of such wages.

(c) If on the conclusion of the enquiry or, as the case may be, of the criminal proceedings, the workman has been found guilty of the charges framed against him and it is considered, after giving the workman concerned a reasonable opportunity of making representation on the penalty proposed, that an order of dismissal or suspension or fine or stoppage of annual increment or reduction in rank would meet the ends of justice, the employer shall pass an order accordingly:

Provided that when an order of dismissal is passed under this clause, the workman shall be deemed to have been absent from duty during the period of suspension and shall not be entitled to any remuneration for such period, and the subsistence allowance already paid to him shall not be recovered:

Provided further that where the period between the date on which the workman was suspended from duty pending the inquiry or investigation or trial and the date on which an order of suspension was passed under this clause exceeds four days, the workman shall be deemed to have been suspended only for four days or for such shorter period as is specified in the said order of suspension and for the remaining period he shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting subsistence allowance paid to him for such period:

Provided also that where an order imposing fine or stoppage of annual increment or reduction in rank is passed under this clause, the workman shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period:

Provided also that in the case of a workman to whom the provision of clause (2) of Article 311 of the Constitution apply, the provisions of that Article shall be compiled with:

(d) If on the conclusion of the inquiry, or as the case may be, of the criminal proceedings, the workman has been found to be not guilty of any of the charges framed against him, he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period.

(e) The payment of subsistence allowance under this standing order shall be subject to the workman concerned not taking up any employment during the period of suspension.

(5) In awarding punishment under this standing order, the manager shall take into account any gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating circumstances, that may exist. A copy of the order passed by the manager shall be supplied to the workman concerned.

17. *Complaints.*—All complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent, shall be submitted to the manager or other person



specified in this behalf with the right of appeal to the employer.

**18. Certificate on termination of service.**—Every permanent workman shall be entitled to a service certificate at the time of his dismissal, discharge or retirement from service.

**19. Liability of Manager.**—The Manager of the establishment shall personally be held responsible for the proper and faithful observance of the standing orders.

**20. (1)** Any person desiring to prefer an appeal in pursuance of sub-section (1) of section 6 of the Act shall draw up a memorandum of appeal setting out the grounds of appeal and forward it in quintuplicate to the appellate authority, accompanied by a certified copy of the standing orders, amendments or modifications, as the case may be.

**(2)** The appellate authority shall, after giving the appellant an opportunity or being hears, confirm the standing orders, amendments or modifications as certified by the certifying officer unless it considers that there are reasons for giving the other parties to the proceedings a hearing before a final decision is made in the appeal.

**(3)** Where the appellate authority does not confirm the standing orders, amendments or modification it shall fix a date for the hearing of the appeal and direct notice thereof to be given—

- (a) where the appeal is filed by the employer or a workman to trade unions of the workmen of the industrial establishments, and where there are no such trade unions to the representatives of workmen elected under clause (b) of rule 6, or as the case may be to the employer;
- (b) where the appeal is filed by a trade union to the employer and all other trade unions of the workmen of the industrial establishment;
- (c) where the appeal is filed by the representative of the workmen, to the employer and any other workman whom the appellate authority joins as a party to the appeal.

**(4)** The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.

**(5)** The appellate authority may at any state call for any evidence it considers necessary for the disposal of the appeal.

**(6)** On the date fixed, under sub-rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called for or consider to be relevant.

**21. Exhibition of standing orders.**—A copy of these orders in English and in Hindi shall be posted at the manager's office and on a notice board maintained at or near the main entrance to the establishment and shall be kept in a legible condition.

FORM

(See standing order 8)

Notice of discontinuance/restarting of a shift working to be given by employer:—

Name of employer.....Address.....  
Dated the.....day of.....19

In accordance with standing order No.....of

the standing orders certified and approved in respect of my/our industrial establishment, I/we hereby give notice to all concerned that it is my/our intention to discontinue/re-start the shift working specified in the Annexure, with effect from .

Signature.....

Designation.....

ANNEXURE

(Here specify the particulars of change in the shift working proposed to be effected)

Copy forwarded to:—

- (1) The Secretary of registered Trade Union, if any.
- (2) Labour Inspector of the area concerned.
- (3) Certifying Officer, Himachal Pradesh Labour Department, Simla.
- (4) Labour Commissioner, Himachal Pradesh, Simla.

SCHEDULE II

(FORM I)

(See rule 4)

[Industrial Employment (Standing Orders) Act, 1946—section 3].

Dated.....19

To

The Certifying Officer,  
Himachal Pradesh Government,  
Labour Department, Simla.

Sir,

Under the provisions of section 3 of the Industrial Employment (Standing Orders) Act, 1946, I enclose five copies of the draft standing orders proposed by me for adoption in.....

(NAME)

Place

(Post address)

an industrial/establishment owned/controlled by me, with the request that these orders may be certified under the terms of the Act. I also enclose a statement giving the particulars prescribed in rule 5 of the Industrial Employment (Standing Orders) Himachal Pradesh Rules, 1972.

I am, etc.

(Signature)  
Employer/Manager.

FORM II

(See rule 6)

[Notice under section 5 of the Industrial Employment (Standing Orders) Act, 1946]

Office of the certifying Officer for.....area/  
place.....

Dated the.....19

I.....Certifying Officer.....  
forward herewith a copy of the draft standing orders  
proposed by the employer for adoption in the.....  
industrial establishment and submitted to me for cer-  
tification under the Industrial Employment (Standing  
Orders) Act, 1946. Any objections which the workmen  
may desire to make to the draft standing orders should  
be submitted to me within fifteen days from the receipt  
of this notice.

(Seal)

(Certifying Officer).

To

The Secretary.  
Union.

Representative elected under rule 6.	Name .....
	Occupation .....
	Industrial establishment .....

FORM III

(Rule 9)

[Industrial Employment (Standing Orders) Act,  
1946—section 8]REGISTER PART I  
Industrial Establishment

Sl. No.	Date of the despatch of the copy of standing orders authenticated under section 5 for the first time	Date of filing appeal	Date of nature of decision	Amendment made on appeal, if any
1	2	3	4	5

Date of the despatch of the copy of the standing orders as settled on appeal	Any objection	Any notice subsequently given or received of any amendment	Result
6	7	8	9

## PART II

(Should contain the authenticated copy of the stand-  
ing orders).

## SCHEDULE III

(See standing order 12)

New Year's Day.  
Basant Panchami.  
Guru Ravi Dass Birthday.

Shivratri.  
Holi.  
Id-ul-fiter.  
Ram Naumi.  
Lord Mahavira Birthday.  
Good Friday.  
Vaisakhi.  
Himachal Day.  
Id-ul-Zuha.  
Muharram.  
Solan Fair.  
Milad-un-Nabi.  
Janamasthmi.  
Bawan Dwadshi Fair (Nahan).  
Raksha Bandhan.  
Minjar Fair (Chamba).  
Dussehra.  
Maharishi Balmiki Birthday.  
Lavi Fair (Rampur).  
Diwali.  
Lala Lajpat Rai's Death Anniversary.  
Guru Nanak Birthday.  
Lohri.  
Guru Gobind Singh Birthday.  
Vishwa Karma Jainti.  
Christmas Day.  
May Day.

By order,  
P. K. MATTOO,  
Secretary.

Simla-2, the 12th September, 1973

No. 5-44/73-SI(Estt.).—In exercise of the powers vested in him under the proviso to Article 309 of the Constitu-  
tion of India, the Governor, Himachal Pradesh, is pleased  
to make the following rules in respect of Himachal  
Pradesh Industries Department (including Geological  
and Weights and Measures), Class-IV Services in regard  
to the following matters namely:—

- (i) the method of recruitment to Class IV Service of  
the Industries Department (including Geological  
and Weights and Measures), Himachal Pradesh;
- (ii) the qualifications necessary for appointment to  
such service and posts;  
and
- (iii) the conditions of service of persons appointed to  
such service and posts for purposes of probation,  
confirmation, seniority and promotion.

## RECRUITMENT RULES

## PART I

## GENERAL

1. *Short title and commencement.*—(a) These rules  
may be called the Himachal Pradesh Industries Depart-  
ment, Class IV Service (Recruitment, Promotion and  
Certain Conditions of Service) Rules, 1973.

(b) These rules shall come into force from the date of  
their publication in the official Gazette.

2. *Definition.*—In these rules, unless there is anything  
repugnant in the subject or context,—

- (a) "Recognised School" means any school run,  
managed and controlled by any State or Central  
Government or any other school declared or  
recognised by the Government.
- (b) "Government" means the Himachal Pradesh  
Government.
- (c) "The Service" means the Himachal Pradesh Indus-  
tries Department Class IV Service.
- (d) "Direct Appointment" means an appointment

made otherwise than by promotion from amongst the members of service or by transfer of an official already in the service of the Himachal Pradesh Government or of the Union.

- (e) "Scheduled Caste" means castes, races or tribes specified in the Constitution (Scheduled Castes) Order, 1950, as amended by section 19(1) read with the First Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970) and as it may further be amended from time to time.
- (f) "Scheduled Tribes" means the tribes or tribal communities or parts of, or groups within tribes of tribal communities specified in the Schedule to the Constitution (Scheduled Tribes) Order, 1950, as amended by section 20(1) read with the Third Schedule of the State of Himachal Pradesh, Act, 1970 (53 of 1970) as it may further be amended from time to time.
- (g) "Member" means a member of Himachal Pradesh Industries Department Class IV Service.
- (h) "Departmental Promotion Committee" means a Departmental Promotion Committee constituted by the Government.
- (i) "Appointing Authority" means the authority competent to make appointments to the categories of posts in the service.

## PART II

### RECRUITMENT TO SERVICE

3. *Character of posts.*—The character (i.e. designation, category, grade etc.) of the various posts included in the service and their rates of pay shall be as indicated in Appendix "A" to these rules and as refused from time to time by the Government.

4. *Authority empowered to making appointment.*—All appointments to the posts shall be made by the Director of Industries Himachal Pradesh or any other authority declared as appointing authority by the Director of Industries, under this rule.

5. *Nationality, eligibility and age etc.*—(1) No person shall be eligible for appointment to any post in the Service unless he is:

- (a) a citizen of India, or
- (b) a subject of Sikkim, or
- (c) a subject of Nepal, or
- (d) a subject of Bhutan, or
- (e) a Tibetan Refugee who came over to India before 1st January 1962 with the intention of permanently settling in India, or
- (f) a person of Indian Origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that a candidate belonging to categories (c), (d), (e) and (f) shall be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he belongs to category (f), the certificate of eligibility will be valid for a period of one year from the date of this appointment, after which such a candidate will be retained in service subject to his having acquired the Indian citizenship.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview and he may also provisionally be appointed by the Government subject to the production of the necessary eligibility certificate from the Government of India.

(2) Unless he is already in Government service, a candidate shall be required to produce:—

- (a) a certificate of good moral character from the Head of his educational or technical Institution last attended;
- (b) certificate of good moral character from two responsible persons not being his relatives, who are well acquainted with him in private life and unconnected with his school or other educational institution;
- (c) a medical certificate, as required under the Rules;
- (d) a declaration to the effect that he has not more than one living wife.

No person who has more than one wife living or having a spouse living, marries in any case in which such marriage is void by reasons of its taking place during the lifetime of such spouse, shall be eligible for appointment to the service.

Provided that the competent authority may, if satisfied that there are special grounds for doing so, exempt any person from the operation of sub-rule 2(d) of rule 5 above.

(3) A candidate must not be less than 18 years and more than 27 years of age on the date of his appointment:

Provided that the minimum and maximum age limit as prescribed above can be relaxed in accordance with the provisions of Rules in force:

Provided further that the maximum age limit may be relaxed in the case of Scheduled Castes and Scheduled Tribes candidates, displaced and other special categories in accordance with the instructions issued by Government in that behalf from time to time.

6. *Verification of antecedents.*—Antecedents of all persons appointed by direct recruitment shall be verified immediately and those appointed by transfer and whose antecedents have not been verified previously shall also be sent for verification immediately after persons join the post(s) in the Department:

7. *Educational qualification of candidates.*—No person shall be appointed to the service, unless in the case of appointment to the post of—

- (i) *Daftri.*—He has passed Middle standard of a recognised School or Board of Education or above. The educational qualification will be relaxable in the case of Departmental Promotions.
- (ii) *Peons.*—He has passed Middle standard of a recognised school or Board of Education or above.
- (iii) *Chowkidar.*—He has a knowledge of reading and writing Hindi.
- (iv) *Chowkidar-cum-Sweeper.*—He has a knowledge of reading and writing Hindi.
- (v) *Sweeper/Sweepress.*—Nil.
- (vi) *Malis.*—He has passed Primary standard or above.

DESIRABLE:

One year's experience in the trade.

(vii) *Workshop Attendant.*—He has passed Middle standard or above.

(viii) *Fieldman.*—He has passed Middle standard of Recognised School or Board of Education or above.

(ix) *Waterman/Mazdoor-cum-Chowkidar/Unskilled workers/Attendants/Attendant-cum-Chowkidar/Technical bearers/Manual Assistant.* He has knowledge of reading and writing Hindi.

(x) *Mining Guards.*—He has passed Middle Standard of a recognised school or Board of Education or above:

Provided that the conditions as prescribed above may be relaxed by orders of the appointing authority in case the persons of requisite qualifications for appointment

to Class IV Service are not available through the Employment Exchange.

8. *Method of recruitment.*—Posts in the service shall be filled in either by promotion or by direct appointment or by transfer or by deputation from other Departments of Government, in the following manner:—

- (i) *Daftry.* By promotion from amongst persons having five years service on the basis of seniority cum-merit basis, failing which by direct recruitment;
- (ii) *Peons.* By direct recruitment or by transfer of a person already in service of the Government or of the Union;
- (iii) *Chowkidar.* By direct recruitment or by transfer of a person already in the service of the Government or of the Union.
- (iv) *Chowkidar-cum-Sweeper.* By direct recruitment.
- (v) *Sweeper/Sweeperess.* By direct recruitment.
- (vi) *Malis.* By direct recruitment or by transfer of a person already in the service of the Government or of the Union.
- (vii) *Workshop Attendant.* By direct recruitment or by transfer of a person already in service of the Government or of the Union.
- (viii) *Fieldman.* By direct recruitment or by transfer of a person already in service of the Government or of the Union.
- (ix) *Waterman/Mazdoor-cum-Chowkidar/Unskilled Worker/Attendant/Attendant-cum-Chowkidar/Technical bearer/Manual Assistant.* By direct recruitment or by transfer of a person already in service of the Government or of the Union.
- (x) *Mining Guard.* By direct recruitment or by transfer of a person already in service of the Government or of the Union.

*Saving.*—Nothing in these rules shall affect reservation and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the State Government from time to time in this regard.

9. *Departmental Promotion Committee.*—The Departmental Promotion Committee in respect of services shall be as constituted from time to time by the Director of Industries, Himachal Pradesh who is appointing authority under Rule 4.

The Departmental Promotion Committee shall also act as Selection Committee in respect of all posts in the service.

Offers of appointment shall be made strictly in accordance with the order in which the candidates are placed, by the Departmental Promotion Committee at the time of Selection.

### PART III CONDITIONS OF SERVICE

10. *Probation of Members of Service.*—(i) Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service, remain on probation for a period of two years.

*Explanation.*—Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on the completion of the probationary period prescribed, be confirmed until he is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his period of probation is, in the opinion of the appointing authority, not satisfactory, the appointing authority may dispense with his service or revert him to his former post if he has been appointed to that post otherwise than by direct recruitment.

(iii) On the completion of the period of probation of any member, the appointing authority prescribed in Rule 4, may confirm such member in appointment or if his work or conduct, has in the opinion of the appointing authority, not been satisfactory, may dispense with his services, or revert him to his former post, if he has been appointed otherwise than by direct recruitment, or may extend the period of probation and thereafter pass such orders on the expiry of the extended period of probation as it could have passed on the expiry of the first period of probation:

Provided always that the total period of probation including extension, if any, shall not exceed four years.

11. *Scales of pay etc. of members of service.*—The grades of pay of such Class of Service are mentioned in Appendix "A" provided that nothing herein contained shall be deemed to divert the Government of their inherent right to change the scales of pay either permanently or temporarily as they may deem fit.

12. *Discipline.*—In respect of discipline, punishment and appeals the members of the service shall be governed by the provisions of the Rules made applicable to Himachal Pradesh Services from time to time.

13. *Probation of Class III Service.*—Every Class IV Government employee already in service of the Industries Department, Himachal Pradesh shall be considered for promotion along with direct candidates provided he fulfills the prescribed educational qualifications and other conditions of service.

14. *Seniority of Members of Service.*—(1) The persons appointed in a substantive or officiating capacity to a grade prior to the issue of these rules, shall retain their relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall *en bloc* be senior to all other in that grade.

*Explanation.*—For the purpose of these rules—

(a) Persons who are confirmed retrospectively with effect from a date earlier than the issue of these rules.

(b) Persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these rules;

shall be considered to be permanent officers of the grade.

(2) Subject to the provisions of paragraph (1) and (3) permanent officers of each grade shall be ranked senior to persons who are officiating in the grade.

(3) *Direct recruits.*—Notwithstanding the provisions of rule (2) above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment on the recommendations of the selecting authority. Persons appointed as a result of an earlier selection being senior to those appointed as a result of subsequent selection.

(i) Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit.

(ii) Provided further that a person who does not join within the specified period shall lose his seniority according to the select list and shall rank in the seniority next to the person who joined earlier.

(iii) Provided further that he shall not lose his seniority if the fact of his joining later was caused by circumstances beyond his control and for reasons to be recorded in writing, the appointing authority is satisfied that this was so.

(4) *Transfers.*—The relative seniority of persons



appointed by transfer to the service from the other offices or the Centre Government or the other Departments of the Government shall be determined in accordance with the order of their selection for such transfer.

(5) *Relative seniority of direct recruits and transferees.*—Transferees shall be senior to direct recruits appointed on the same date.

(6) *Promotees.*—(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotions:

Provided that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not original order of merit.

(ii) Where promotions to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter, the Departmental Promotion Committee shall select persons for promotion from such list upto the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the persons of promotion to the higher grade.

(7) *Relative seniority of direct recruits and promotees.*—The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in these Rules.

*Mandatory memorandum.*—A roster should be maintained based on the reservation for direct recruitment and promotion in the Recruitment Rules. Appointment should be made in accordance with this roster and seniority determined accordingly.

*Illustration.*—Where 75% of the vacancies are reserved for promotion and 25% for direct recruitment, each direct recruit shall be ranked in seniority below 3 promotees. Where the quotas are 50% each, every direct recruit-

ment shall be ranked below a promotee. If for any reasons, a direct recruit or a promotee ceases to hold the appointment in the grade, the seniority list shall not be rearranged merely for the purpose of ensuring the proportion referred to above.

15. *Leave and Pension etc.*—In respect of leave, pension and other cognate matters not specifically mentioned in these rules, the members of the service shall be governed by the Rules applicable to the employees of Himachal Pradesh from time to time, unless one has already exercised option otherwise.

16. *Liability to transfer.*—Every member of the service shall be liable to transfer anywhere within the Himachal Pradesh.

17. In respect of conditions of service other than those covered by these rules, members of the service shall be governed by the conditions of service of Himachal Pradesh Government Rules and instructions issued from time to time in this behalf.

#### APPENDIX "A"

Sl. No.	Particulars of Posts	Pay Scale
1.	Daftry	75-3-90/3-105.
2.	Peons	70-2-80/3-95.
3.	Chaukidar	-do-
4.	Chaukidar-cum-Sweeper	-do-
5.	Sweeper/Sweepress	-do-
6.	Malis	-do-
7.	Workshop Attendant	}
8.	Fieldman	
9.	Manual Assistant	
10.	Unskilled workers	
11.	Waterman	
12.	Mazdoor-cum-Chaukidar	
13.	Unskilled workers.	
14.	Attendant.	
15.	Attendant-cum-Chaukidar	
16.	Technical Bearers	
17.	Mining Guards	

Simla-2, the 15th September, 1973

No. 5-13/72-SI(Estt).—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, in consultation with the H.P. Public Service Commission obtained vide their letter No. 1-14/71-PSC, dated 12th June, 1973, is pleased to make the Recruitment and Promotion Rules for the posts of Superintendent, Class III Ministerial (non-gazetted) in the Industries Department as prescribed in the Annexure to this notification.

2. These rules shall come into force with immediate effect.

#### ANNEXURE-I

#### Recruitment and Promotion Rules for the post of Superintendent (Class-III) Ministerial (Non-Gazetted) in the Industries Department, Government of Himachal Pradesh

Name of post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age for direct recruits	Minimum educational and other qualifications required for direct recruits
1	2	3	4	5	6	7
Superintendent.	3	Class-II (Non-Gazetted).	Rs. 400-25-500/30-650.	Selection	Below 40 years	Essential: (i) Degree of a recognised University or its equivalent. (ii) 5 years' experience in office work.

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct rectt. promotion/deputation and the percentage of vacancies to be filled by various methods	In case of rectt. by promotion, deputation, transfer, grades from which, deputation, promotion, transfer to be made	If a DPC exists what is its composition	Circumstances in which the H.P. Public Service Commission is to be consulted.
8	9	10	11	12	13
No	Two years subject to such extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and for reasons to be recorded in writing.	100% by promotion failing which by direct recruitment.	By promotion from amongst: (i) Head Assistants, having six years regular service as Head Clerk/ Asstt./ Sr. Auditors/ Head Asstt. combined.  (ii) Head Clerks/ Assistants/Sr. Auditors in the pay scale of Rs. 225-500, having six years regular service in the grade. Head Assistant will be placed above the Head Clerks/ Assistants/ Sr. Auditors in the list of eligible officials for purpose of promotion.	D.P.C. to be presided over by Chairman, H.P. Public Service Commission or a member thereof to be nominated by him.	As required under the law.

- Note.* 1. Upper age-limit for direct recruits will not be applicable to candidates already in service of the Government.
2. Upper age-limit is relaxable for Scheduled Castes/Scheduled Tribes candidates and other categories of persons to the extent permissible under the general or special orders of the H.P. Government.
3. Age and Qualifications relaxable at the discretion of the Commission in the case of candidates otherwise well qualified.
4. Provisions under Col. 10 and 11 are to be revised by the Govt. in consultation with the H.P. Public Service Commission as and when the number of posts under Col. 2 are increased or decreased.
5. When the Government is of the opinion that it is necessary or expedient to do so, it may by order for reasons to be recorded in writing and in consultation with the H.P. Public Service Commission relax any of the provisions of these rules with respect to any class or category of service or person.

# LABOUR, EMPLOYMENT AND TRAINING DEPARTMENT NOTIFICATION

Simla-2, the 26th September, 1973

**No. 5-50/73-SI (Estt).**—In exercise of the powers vested in him under the provisions to Article 309 of the Constitution of India, the Governor, Himachal Pradesh is pleased to make the following rules in respect of Himachal Pradesh Labour, Employment and Training Department Class-IV services in regard to the following matters, namely:—

- (i) the method of recruitment to Class-IV service of the Labour, Employment and Training Department, Himachal Pradesh;
- (ii) the qualifications necessary for appointment to such service and posts;
- (iii) the conditions of service of persons appointed to such service and posts for purposes of probation, confirmation, seniority and promotion.

## RECRUITMENT RULES PART-I GENERAL

**1. Short title and commencement.**—(a) These rules may be called the Himachal Pradesh Labour, Employment and Training Department, Class IV Service (Recruitment, Promotion and certain Conditions of Service) Rules, 1973.

(b) These rules shall come into force from the date of their publication in the Official Gazette.

**2. Definitions.**—In these rules unless there is anything repugnant in the subject or context,—

(a) "Recognised School" means any School run, managed and controlled by any State or Central Government or any other School declared or recognised by the Government.

(b) "Government" means the Himachal Pradesh Government.

(c) "The Service" means the Himachal Pradesh Labour, Employment and Training Department Class-IV Service.

(d) "Direct Appointment" means an appointment made otherwise than by promotion from amongst the members of service or by transfer of an official already in the service of the Himachal Pradesh Government or of the Union.

(e) "Scheduled Caste" means castes, races or tribes specified in the Constitution (Scheduled Castes) Order, 1950 as amended by section 19 (1) read with the First Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970), and as it may further be amended from time to time.

(f) "Scheduled Tribes" means the tribes or tribal communities or parts of, or groups within tribes of tribal communities specified in the Schedule to the Constitution (Scheduled Tribes) Order, 1950, as amended by section 20 (1) read with the Third Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970), and as it may further be amended from time to time.

(g) "Member" means a member of Himachal Pradesh Labour, Employment and Training Department Class-IV Service.

(h) "Departmental Promotion Committee" means a Departmental Promotion Committee constituted by the Government.

(i) "Appointing Authority" means the authority competent to order appointments to the categories of posts in the service, covered in these rules.

## PART-II RECRUITMENT TO SERVICE

**3. Character of posts.**—The character (i. e. designation, category, grade etc.) of the various posts included in the Service and their rates of pay shall be as indicated in Appendix "A" to these rules and as revised from time to time by the Government.

**4. Authority empowered to making appointment.**—All appointments to the posts shall be made by the Labour Commissioner-cum-Director of Employment and Training, Himachal Pradesh or any other authority declared as appointing authority by him under this rule.

**5. Nationality, eligibility and age etc.**—(1) No person shall be eligible for appointment to any post in the service unless he is—

- (a) a citizen of India, or
- (b) a subject of Sikkim, or
- (c) a subject of Nepal, or
- (d) a subject of Bhutan, or
- (e) a Tibetan Refugee who came over to India before 1st January, 1962 with the intention of permanently settling in India, or
- (f) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that a candidate belonging to categories (d), (e), (f) shall be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he belongs to category (f), the certificate of eligibility will be valid for a period of one year from the date of his appointment, after which such a candidate will be retained in service subject to his having acquired the Indian citizenship.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview and he may also be appointed provisionally by the Government subject to the production of the necessary eligibility certificate from the Government of India.

(2) Unless he is already in Government service, a candidate shall be required to produce—

- (a) a certificate of good moral character from the Head of his educational or technical Institution last attended;
- (b) certificate of good moral character from two responsible persons not being his relatives, who are well acquainted with him in private life and unconnected with his school or other educational institution;
- (c) a medical certificate, as required under the rules;
- (d) a declaration to the effect that he has not more than one living wife.

No person who has more than one wife living or having a spouse living, marries in any case in which such marriage is void by reasons of its taking place during the lifetime of such spouse, shall be eligible for appointment to the service:

Provided that the competent authority may, if satisfied that there are special grounds for doing so, exempt any person from the operation of sub-rule 2(d) of Rule 5 above.

(3) A candidate must not be less than 18 years and more than 27 years of age on the date of his appointment:

Provided that the minimum and maximum age limit as prescribed above can be relaxed in accordance with the provisions of Rules in force.

Provided further that the maximum age limit may be relaxed in the case of Scheduled Castes and Scheduled Tribes candidates, displaced and other special categories in accordance with the instructions issued by Government in that behalf from time to time.

6. *Verification of Antecedents.*—Antecedents of all persons appointed by direct recruitment shall be verified immediately and those appointed by transfer and whose antecedents have not been verified previously shall also be sent for verification immediately after such persons join the post (s) in the Department.

7. *Educational Qualifications of Candidates.*—No person shall be appointed to the service, unless in the case of appointment to the post of—

(i) *Dafti.*—He has passed Middle standard of a recognised School or Board of Education or above. The educational qualification will be relaxable in the case of Departmental Promotion.

(ii) *Peons.*—He has passed Middle standard of a recognised school or Board of Education or above.

(iii) *Sweeper/Sweepers.*—Nil.

(iv) *Malis.*—He has passed Primary Standard or above.

*Desirable:*  
One year's experience in the trade.

(v) *Workshop Attendant.*—He has passed Middle standard or above. Technical/Workshop background as a semi-skilled worker.

(vi) *Organiser.*—He has passed Middle standard of a recognised School or Board of Education or above.

(vii) *Chowkidars/Store Attendants/Gate-Keepers.*—He has knowledge of reading and writing Hindi.

(viii) *Dressers.*—Middle Pass. A certificate in First Aid.

Provided that the conditions as prescribed above may be relaxed by orders of the appointing authority in case the persons of requisite qualifications for appointment to Class-IV Service are not available through the Employment Exchanges.

8. *Method of Recruitment.*—Posts in the service shall be filled in either by promotion or by direct appointment or by transfer or by deputation from other Departments of Government, in the following manner:—

(i) *Dafti.*—By promotion from amongst peons having five years service on the basis of seniority-cum-merit basis, failing which by direct recruitment.

(ii) *Peons.*—By direct recruitment or by transfer of a person already in service of the Government or of the Union.

(iii) *Sweeper/Sweepers.*—By direct recruitment.

(iv) *Malis.*—By direct recruitment or by transfer of a person already in the service of the Government or of the Union.

(v) *Workshop Attendant.*—75% by promotion from Daftis 60% Peon 15%, 25% by direct recruitment.

(vi) *Organisers.*—By direct recruitment.

(vii) *Store Attendants/Gate-keepers/Chowkidars.*—By direct recruitment or by transfer of a person already in service of the Government or of the Union.

(viii) *Dressers.*—By direct recruitment.

Nothing in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the State Government from time to time in this regard:

Provided further that the vacancies reserved for outside candidates shall be notified to the Employment Exchanges in Himachal Pradesh, and if necessary, will also be advertised.

9. *Departmental Promotion Committee.*—The Departmental Promotion Committee in respect of services shall be as constituted from time to time by the Government.

The Departmental Promotion Committee shall also act as Selection Committee in respect of all posts in the service.

Officers of appointment shall be made strictly in accordance with the order in which the candidates are placed by the Departmental Promotion Committee at the time of selection.

### PART III CONDITION OF SERVICE

10. *Probation of members of service.*—(i) Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service, remain in probation for a period of two years.

*Explanation.*—Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on the completion of the probationary period prescribed, be confirmed until he is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his period of probation is, in the opinion of the appointing authority, not satisfactory, the appointing authority may dispense with his service or revert him to his former post if he has been appointed to that post otherwise than by direct recruitment.

(iii) On the completion of the period of probation of any member, the appointing authority prescribed in Rule 4, may confirm such member in appointment, or if his work or conduct has, in the opinion of the appointing authority, not been satisfactory, may dispense with his service, or revert him to his former post, if he has been appointed otherwise than by direct recruitment, or may extend the period of probation and thereafter pass such orders on the expiry of the extended period of probation as it could have passed on the expiry of the first period of probation:

Provided always that the total period of probation including extension, if any, shall not exceed four years.

11. *Scales of pay etc. of members of service.*—The grades of pay of such class of service are mentioned in Appendix 'A' provided that nothing herein contained shall be deemed to divert the Government of their inherent right to change the scales of pay either permanently or temporarily as they may deem fit.

12. *Discipline.*—In respect of discipline, punishment and appeals the members of the service shall be governed by the provisions of the Rules made applicable to Himachal Pradesh services from time to time.

**13. Promotion to Class III Services.**—Every Class IV Government employee already in service of the Labour, Employment and Training Department, Himachal Pradesh shall be considered for promotion along with direct candidates provided he fulfills the prescribed educational qualifications and other conditions of service.

**14. Seniority of members of service.**—(1) The persons appointed in a substantive or officiating capacity to a grade prior to the issue of these rules, shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall enblock be senior to all other in that grade.

**Explanation.**—For the purpose of these rules—

(a) persons who are confirmed retrospectively with effect from a date earlier than the issue of these rules;

(b) persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these rules; shall be considered to be permanent officers of the grade.

(2) Subject to the provisions of paragraph (1) and (3) permanent officers of each grade shall be ranked senior to persons who are officiating in the grade.

(3) **Direct recruits.**—Notwithstanding the provisions of rule (2) above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment on the recommendations of the selecting authority. Persons appointed as a result of an earlier selection being senior to those appointed as a result of subsequent selection:

(i) Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit:

(ii) Provided further that a person who does not join within the specified period shall lose his seniority according to the select list and shall rank in the seniority next to the person who joined earlier;

(iii) Provided further that he shall not lose his seniority if the fact of his joining later was caused by circumstances beyond his control and for reasons to be recorded in writing, the appointing authority is satisfied that this was so:

(4) **Transferees.**—The relative seniority of persons appointed by transfer to the service from the other offices of the Central Government or the other Departments of the Government shall be determined in accordance with the order of their selection of such transfer.

(5) **Relative seniority of direct recruits and transferees.**—Transferees shall be senior to direct recruits appointed on the same date.

(6) **Promotees.**—(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotions:

Provided that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of

confirmation and not original order of merit.

(ii) Where promotions to a grade are made from more than one grade, the eligible person shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter, the Departmental Promotion Committee shall select persons for promotion from such list upto the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the persons on promotion to the higher grade.

(7) **Relative seniority of direct recruits and promotees.**—The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in these rules.

**Explanatory memorandum.**—A roster should be maintained based on the reservation for direct recruitment and promotion in the Recruitment Rules. Appointment should be made in accordance with this roster and seniority determined accordingly.

**Illustration.**—Where 75 per cent of the vacancies are reserved for promotion and 25 per cent for direct recruitment, each direct recruit shall be ranked in seniority below 3 promotees. Where the quotas are 50 per cent each, every direct recruit shall be ranked below a promotee. If for any reasons, a direct recruit or a promotee ceases to hold the appointment in the grade, the seniority list shall not be rearranged merely for the purpose of ensuring the proportion referred to above.

**15. Leave and pension etc.**—In respect of leave, pension and other cognate matters not specifically mentioned in these rules, the members of the service shall be governed by the rules applicable to the employees of Himachal Pradesh from time to time, unless one has already exercised option otherwise.

**16. Liability to transfer.**—Every member of the service shall be liable to transfer anywhere within the Himachal Pradesh.

**17. In respect of conditions of service other than those covered by these rules.** members of the service shall be governed by the conditions of service of Himachal Pradesh Government rules and instructions issued from time to time in this behalf.

#### APPENDIX 'A'

Sl. No.	Particulars of posts	Pay scale
1.	Workshop Attendants	80-2-90/3-120.
2.	Daftry	75-3-90/3-105.
3.	Peons	70-2-80/3-95.
4.	Chawkidar/Store-Attendants/ Gate-keepers.	-do-
5.	Sweeper/Sweepress	-do-
6.	Malis	-do-
7.	Dressers	-do-
8.	Organisers	-do-

P. K. MATTOO,  
Secretary.



## PUBLIC WORKS(A) DEPARTMENT NOTIFICATION

*Simla-2, the 22nd September, 1973*

**No.1-59/71-PWA.**—In exercise of the powers conferred by the proviso to Article 309 of the 'Constitution of India' and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to frame the Recruitment and Promotion Rules in respect of Class IV Service of Himachal Pradesh, Public Works Department as under:—

- (i) the method of recruitment to the Himachal Pradesh Public Work Department Class IV Service;
- (ii) the qualifications and conditions of initial recruitment necessary for appointment to such service and posts; and
- (iii) the conditions of service of persons appointed to such service and posts for the purpose of probation, confirmation, seniority and promotion.

### RECRUITMENT RULES

#### PART-I—GENERAL

##### 1. *Short title and commencement.*—

- (a) "Appendix" means an appendix to these rules;
- (b) "cadre" means the strength of a service or a part of service sanctioned as a separate unit for the Chief Engineer's Office, and for each circle or participating offices of H. P. P. W. D.;
- (c) "Chief Engineer" means the Chief Engineer of H.P.P.W.D.;
- (d) "department" means the Himachal Pradesh Public Works Department;
- (e) "direct appointment" means an appointment made otherwise than by promotion from amongst the members in the service or by transfer of an official already in the service of the Government;
- (f) "Government" means Himachal Pradesh Government;
- (g) "post" means the posts specified in the Appendix 'A';
- (h) "member" means a member of the service;
- (i) "Participating Offices" means offices attached with the C. E's office on administrative reasons but have separate sanctioned cadre i.e. office of Superintending Surveyor of Works/Senior Architect and Country and Town Planning Cell, and or any other new unit/cell etc.; subsequently attached under orders of the C.E.;
- (j) "recognised school" means any school run by the Government or by a local body and declared or recognised by the Government;
- (k) "head of office" means the Superintending Engineer, Superintending Surveyor of Works, Executive Engineer, Engineer Officer or Land Acquisition Officers and any other gazetted officer of H. P. P. W. D. declared as such by the Government;
- (l) "scheduled castes" means the castes, races or tribes or parts of or groups within castes, races or tribes specified in the Schedule to the Constitution (Scheduled Castes) Order, 1950 as amended by section 19 (1) read with the First Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970), and as it may further be amended from time to time;
- (m) "Scheduled Tribes" means the Tribes or tribal communities or parts of groups within tribes or

tribal communities specified in the Schedule to the Constitution (Scheduled Tribes) Order, 1950, as amended by section 20 read with the Third Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970), and as it may be amended from time to time; and

- (n) "service" means the H.P.P.W.D. Class IV service.

#### PART-II—RECRUITMENT OF SERVICE

3. *Cadres of service.*—The service will have separate cadres for the Chief Engineer's Office, its participating offices, and for each Circle of the Department so far as seniority for purposes of promotion and confirmation is concerned. The cadre of service comprising the Chief Engineer's Office (hereinafter referred to as 'Head Office Cadre') will be controlled by the Chief Engineer and that of each Circle and non-participating offices (hereinafter referred to as 'Circle Cadre') by the Superintending Engineer/Superintending Surveyor of Works Incharge.

4. *Character of posts.*—The character (i.e. designation, grade etc.) of the various posts included in the cadres of the service and their rates of pay shall be as indicated in the Appendix-A to these rules or as it may be revised by the Himachal Pradesh Government from time to time.

5. *Authority empowered to make appointments.*—An appointment to the post in the service shall be made by the competent authority or any other authority declared as such by the Head of Department, on the recommendations of the Selection and Promotion Committee as constituted under rule 9 of these rules.

6. *Nationality eligibility and age etc.*—A candidate for appointment to any post in the service must be—

- (a) a citizen of India, or
- (b) a subject of Sikkim, or
- (c) a subject of Nepal, or
- (d) a subject of Bhutan, or
- (e) a Tibetan refugee who came over to India before the 1st January, 1962, with the intention of permanently settling in India, or
- (f) a person of Indian origin who has migrated from Pakistan, Burma/Ceylon or from any other country with the intention of permanently settling in India:

Provided that in the case of category (c), (d), (e) or (f) the candidate must be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if the candidate belongs to category (f), the certificate of eligibility will be valid only for a period of one year from the date of his/her appointment, after which such a candidate will be retained in service subject to his/her having acquired Indian citizenship:

Provided further that the knowledge of customs manners and dialects of Himachal Pradesh shall be an essential qualification for purpose of eligibility for these posts.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview and he may also provisionally be appointed subject to the necessary certificate being given to him/her by the Government, and

(2) Unless the candidate is already in Government service must produce—

- (i) a certificate of good moral character from the Head of the recognised school last attended;

- (ii) a certificate of good moral character from two responsible persons, not being his/her relatives who are well acquainted him/her in private, life and unconnected with his/her school;
- (iii) a medical certificate, as required under the rules made applicable to the service by the Government from time to time;
- (iv) a declaration to the effect that he has not more than one living wife.

**Note.**—No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the service;

- (v) in the case of a female Government servant, declaration to the effect that she has not married a person having already a living wife.

**Note.**—No woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to the service:

Provided that the Himachal Pradesh Government may, if satisfied that there are special grounds for doing so, exempt any person from the operation of rules in clause (iv) or (v) above.

(3) The candidate must not be less than 18 years and not more than 27 years of age on the date of his appointment:

Provided that minimum and maximum age limit as prescribed may be relaxed by the C. E. in pursuance of the instructions issued by the Government from time to time:

Provided further that maximum age limit may be relaxed in the case of Scheduled Castes/Tribes candidates, displaced persons and other special categories in accordance with the orders issued by the Government from time to time.

**7. Educational qualifications of candidates.**—No person shall in future be appointed to a post in the service, unless in the case of appointment to the post of—

- (i) *Daftry*.—Has passed the Middle School examination of a recognised school or above. The prescribed educational qualifications will be relaxed in the case of departmental promotion; provided the departmental promotee is either permanent or quasi-permanent in the scale of peon and has put in at least 5 years' service and possesses the working knowledge of English and Hindi.
- (ii) *Jamadar*.—Has normally rendered 5 years' service (officiating or confirmed) as a Peon or any other Class IV servant in the scale of peon.
- (iii) *Peons and Ferro Khalasi*.—Has passed the Middle School examination of a recognised school or above. The prescribed educational qualifications will be relaxed in the case of transfer from the post of Chowkidar, Frash and Sweeper; provided that such a transferee is either permanent or quasi-permanent and has put in at least 2 years service in that grade.
- (iv) *Chowkidar, Frash and Sweepers*.—Should preferably be literate having working knowledge of reading and writing Hingri:

Provided the conditions as prescribed above may be relaxed by orders of the appointing authority in case persons of requisite qualifications for appointment to the Class IV service are not available through the Employment Exchange.

**8. Method of recruitment.**—Posts in the service either in 'Head office cadre' or in 'Circle cadre' shall be filled in either by promotion/transfer or by direct appointment as the case may be in the following manner:—

- (i) *Daftry*.—75% by promotion from amongst the Peons strictly in the order of seniority subject to the rejection of the unfit, failing which by transfer or direct recruitment and 25% by direct recruitment.
- (ii) *Jamadar*.—75% by promotion from amongst the Peons strictly in the order of seniority subject to rejection of the unfit. In case no suitable persons are available by promotion, the post will be filled in by transfer or by direct recruitment and 25% by direct recruitment.
- (iii) *Peons and Ferro Khalasis*.—75% by transfer from amongst the Chowkidars, Frash and Sweepers strictly in the order of the seniority subject to the rejection of the unfit, failing which appointments to the post of Peons and Ferro Khalasis will be made by direct recruitment.
- (iv) *Chowkidar, Frash and Sweeper*.—By transfer of a person already in the service of the Government or by direct recruitment—

Nothing in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders/instructions issued by the Government from time to time in this regard:

Provided further that the persons employed on the following categories of posts on work-charged establishment, contingent paid Establishment, on temporary or on full-time casual/part time casual basis shall also be eligible for appointment to class IV posts borne in the service which are required to be filled in by direct recruitment subject to the conditions mentioned against each.

#### CATEGORY OF THE POST

- (i) *Work Charged/Contingent paid full time.*  
*Chowkidars and Sweepers.*

- (ii) *Full time casual labourers.*

#### CONDITIONS

Has normally rendered at least 2 years continuous service in the Department and fulfills all other conditions laid down in these rules.

1. Has rendered a minimum period of two years continuous service in the Department, and was employed through Employment Exchange.
2. Was employed in an office/establishment of the Department without reference to the Employment Exchange. he shall not be considered for appointment to the service unless he,—

- (a) gets himself registered with the Employment Exchange,

(b) renders from the date of such registration a minimum of 2 years continuous service as full time casual labourer, and

(c) is subsequently sponsored by the Employment Exchange.

- (iii) *Part time casual labourers.*
1. Has rendered a minimum period of four years continuous service in the Department, and was employed through Employment Exchange.
  2. Was employed in an office/establishment of the Department without reference to the Employment Exchange, shall not be considered for appointment to the service unless he,—
- (a) get himself registered with the Employment Exchange,
  - (b) renders from the date of such registration a minimum of 4 years continuous service as part time casual labourer, and
  - (c) is subsequently sponsored by the Employment Exchange.

9. *Departmental Selection and Promotion Committee.*—The Departmental Promotion Committee/Selection Committee in respect of the service shall be as follow:—  
Class IV D. P. C.

Promotion and offers of appointment shall be made strictly in accordance with the order of recommendations in which the employees/candidates are selected at the time of promotion/selection respectively.

10. *Advertisement of vacancies to be filled in by direct recruitment.*—The vacancies will be notified to the Employment Exchanges in Himachal Pradesh in case of direct recruitment and they shall be asked to recommend names of the suitable candidates. In case no candidate so recommended by the Employment Exchange, is considered fit, vacancies will be advertised.

### PART III—CONDITIONS OF SERVICE

11. *Probation of Members of Service.*—Members of the service who are appointed against the permanent vacancies shall, on appointment to any post in the service, remain on probation for a period of 2 years in the case of direct recruitment and on trial for a period of one year in the case of promotion.

*Explanations.*—(i) Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on the completion of the probationary period prescribed, be

confirmed until he/she is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his/her period of probation is, in the opinion of the appointing authority, not satisfactory, the appointing authority may dispense with his/her service or revert him to his/her former post if he/she has been appointed to that post otherwise than by direct recruitment.

(iii) On the completion of the period of probation of any member, the appointing authority prescribed in Rule 5, may confirm such member in his/her appointment or if his/her work or conduct has, in the opinion of the appointing authority, not been satisfactory, may dispense with his/her services, or revert him/her to his/her former post, if he/she has been appointed otherwise than by direct appointment, or may extend the period of probation and thereafter pass such orders on the expiry of probation or trial, as the case may be, as it could have passed on the expiry of the first period of probation:

Provided always that the total period of probation or trial including extension, if any, shall not exceed double of the probation period.

12. *Duties in the Service.*—The duties of various post including in the service shall be as contained in Appendix 'B' to these rules.

13. *Discipline.*—In respect of discipline, punishment and appeals, the members of the service shall be governed by the provisions of rules as may be framed by the Government of Himachal Pradesh.

14. *Seniority of Members of Service.*—(i) Persons appointed in the substantive or officiating capacity to a grade prior to the issue of these rules shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing order applicable in their cases and shall en-block be senior to all others in that grade:

*Explanations.*—For the purpose of these rules—

(a) Persons who are confirmed retrospectively with effect from a date earlier than the issue of these rules shall be considered to be permanent members of the grade.

(b) The *inter se* seniority fixed by the parent Department/States in case of persons inherited from erstwhile Territorial Council, Himachal Pradesh and the State of Punjab as a consequence of amalgamation/re-organisation will not be subject to any change in their *inter se* seniority on amalgamation/integration. The seniority of staff inherited from Territorial Council/Punjab *vis-a-vis* old Himachal Pradesh employees will be determined as per rules/orders of the Government.

(ii) Subject to the provisions of sub-paragraph (iii) below, permanent members of each grade shall rank senior to persons who are officiating in that grade.

(iii) *Direct recruitment.*—Notwithstanding the provisions of sub-rule (ii) above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment, on the recommendations of the Departmental Selection Committee; persons appointed as a result of earlier selection being senior to those appointed as a result of subsequent selections:

Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an

order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit:

Provided further that a person who does not join within the specified period shall lose his seniority according to the selection list and shall rank in the seniority list next to the persons who joined earlier:

Provided further that he shall not lose his seniority, if the fact of his joining later was caused by circumstances beyond his control and for the reasons to be recorded in writing, the appointing authority is satisfied that this was so and permits him to join after the scheduled date.

(iv) *Promotees*.—(a) the relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotion:

Provided that where persons promoted initially on temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of their merit.

(b) Where promotions to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter the Departmental Promotion Committee shall select persons for promotion from each list upto the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of persons on promotion to the higher grade.

(v) *Transfers*.—The relative seniority of persons appointed by transfer to the service from the other offices of the Central Government or other Departments of any State Government or any other Department of Himachal Pradesh Government, shall be determined in accordance with the order of their selection for such transfer:

Provided that nothing contained in the provisions of these rules, shall operate to prevent transfer of service by the Head of Department from one 'Circle Cadre' to another 'Circle cadre' or from 'Head Office Cadre' to 'Circle Cadre' or vice versa only in the event of creation or abolition of a Circle/Division or on account of administrative reasons in the public interest and in that case the transferee shall be assigned relative seniority in the new cadre in their respective grades according to the length of service rendered in those grades.

(vi) *Relative seniority of direct recruits and transferees*.—Transferees shall be senior to direct recruits appointed on the same date.

(vii) *Relative seniority of promotees and direct recruits*.—The relative seniority of the promotees and direct recruits will be in accordance with roster maintained for the purpose i.e. promotees first and then direct recruits.

15. *Confirmation*.—The confirmation of each member will depend on good reports earned by him provided that there is permanent vacancy available for him.

16. *Leave and Pension*.—In respect of leave, pension and other (cognate) matters not specifically mentioned in these rules, the members of the service shall be governed by the rules instructions/executive orders as are made applicable or framed by the Government from time to time.

17. *Power of relaxation*.—Where the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, it may after consultation with Finance Department where financial implications are involved by order for reasons to be recorded in writing, dispense with or relax the requirement of that rule to such extent, and subject to such conditions, as it may consider necessary for dealing with the case in a just and equitable manner.

18. *Repeal*.—All the orders or rules as issued by the Himachal Pradesh administration or by the Chief Engineer on the subject from time to time shall stand repealed provided that any action taken or any orders passed under the provision of the orders or rules hereby repealed shall be deemed to have been taken or passed under the corresponding provisions of these order rules.

#### APPENDIX 'A'

##### Character of post

##### Grades

#### (I) Head Office Cadre

1. Daftri.	Rs. 75-3-90/3-105
2. Jamadars.	Rs. 75-3-90/3-105
3. Peons/Ferro Khalasi.	Rs. 70-2-80/3-95
4. Frash.	Rs. 70-2-80/3-95
5. Chowkidar.	Rs. 70-2-80/3-95
6. Sweeper.	Rs. 70-2-80/3-95

#### (II) Circle Cadre

1. Daftri.	Rs. 75-3-90/3-105
2. Jamadar.	Rs. 75-3-90/3-105
3. Peons/Ferro Khalasi.	Rs. 70-2-80/3-95
4. Chowkidar.	Rs. 70-2-80/3-95
5. Sweeper.	Rs. 70-2-80/3-95

#### APPENDIX 'B'

##### Name of post

##### Duties

1. Daftri.	(a) Binding of office record etc. (b) Maintenance of old office records. (c) Preparation of sealed covers etc.
2. Jamadar.	(a) To carry out orders/instructions given by the officer with whom attached for duty. (b) To carry office files and Dak etc. to the officer's residence and bring back to office. (c) To keep the officer's room neat and tidy. (d) To accompany the officer while on tours, etc. (e) To act as messenger if and when required.
3. Peons.	(a) To do office manual work and to keep the rooms in order and tidy. (b) Local delivery of Dak.

- (c) To accompany officers on tours.
- (d) To work as substitutes in place of Chowkidar and Ferro-Khalasi, when required.
- (e) To work as messengers.

## 4. Chowkidar.

- (a) Watch and ward of Government property.
- (b) To attend the telephones after closure of office.
- (c) To work as messenger and deliver files/papers at the officer's residence in urgent cases.

## 5. Frash.

- (a) To clean tables and chairs kept for public and general use in the office.
- (b) To keep neat and clean office boards, notice boards, mats, durries, wall calendars and maps etc. in the office.
- (c) To work as substitute in place of a Peon/Chowkidar.

## 6. Ferro Khalasi.

- (a) To do ferro work in the office.
- (b) To clean tables and chairs etc. of the section in which working.
- (c) To carry out other office manual work.
- (d) To work as messenger, when required.

## 7. Sweepers.

- (a) To maintain cleanliness of office/offices premises where working.
- (b) To ignite "angithis" during winter season and collect them after office hours.

H. S. DUBEY,  
Secretary.

## WELFARE DEPARTMENT

## NOTIFICATION

Simla-2, the 18th August, 1973

No. 1-3/72-LWP (Wel).—In exercise of the powers conferred by the proviso to the Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Himachal Pradesh is pleased to make the following rules in respect of

Himachal Pradesh, Welfare Department (Class IV) service in regard to matters, namely:—

- (i) the method of recruitment to posts in the service;
- (ii) the qualification necessary for appointment to the posts in the service; and
- (iii) the other conditions of service of persons appointed to such posts in the service for purposes of probation, confirmation, seniority and promotion.

## PART-I

## GENERAL

1. *Short title and commencement.*—(a) These rules may be called the Himachal Pradesh, Welfare Department (Class IV) *Service Rules, 1973.*

(b) They shall come into force from the date of their publication in the Himachal Pradesh Government Gazette.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

- (a) "appendix" means appendix to these rules;
- (b) "appointing authority" means the authority competent to make appointment to the posts in the service;
- (c) "department" means the Himachal Pradesh Welfare Department;
- (d) "departmental promotion committee" means the committee constituted by the Government under rule 9 to recommend candidates for appointment to the various posts in the service either by promotion or by transfer or by direct recruitment;
- (e) "direct appointment" means an appointment made otherwise than by promotion within the service or by transfer of an official already in the service of the Government of a State or the Government of India;
- (f) "director" means the Director of Welfare, Himachal Pradesh;
- (g) "Government" means the Government of Himachal Pradesh, in the Administrative Department;
- (h) "Governor" means the Governor of Himachal Pradesh;
- (i) "head of department" means the Director of Welfare, Himachal Pradesh and including any other authority who is specially appointed by the Government to exercise the powers of Head of Department for the purposes of these rules;
- (j) "member" means a member of the Himachal Pradesh Welfare Department (Class IV) service;
- (k) "scheduled caste" means castes, races or tribes or part of groups within castes, races or tribes specified in the schedule to the Constitution (Scheduled Castes) Order, 1950 as amended by section 19(1) read with the First Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970) and as it may further be amended from time to time;
- (l) "scheduled tribes" means the tribes, or tribal communities or parts of, or groups within tribes or tribal communities specified in the schedule to the Constitution (Scheduled Tribes) Order, 1950 as amended by section 20 (1) read with the Third Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970) and as it may further be amended from time to time; and



- (m) "Service" means the Himachal Pradesh Welfare Department (Class IV) Service.

## PART -II RECRUITMENT TO SERVICE

3. *Character of posts.*—The character (i.e., category, designation, grade etc.) of the various posts included in the service and their rates of pay shall be as indicated in the Appendix "A" to these rules.

4. *Authority empowered to make appointments.*—All appointments to posts in the service shall be made on the recommendations of the Departmental Promotion Committee by the head of department or any other authority declared as such by the Government.

5. *Nationality, Eligibility and Age etc.*—(1) No person shall be appointed to the service, unless he/she—

- (a) is a citizen of India, or
- (b) is a subject of Sikkim, or
- (c) is a subject of Nepal, or
- (d) is a subject of Bhutan, or
- (e) is a Tibetan Refugee who came over to India before 1st January, 1962, with the intention of permanently settling in India, or
- (f) is a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that a candidate belonging to categories (c) to (f) above must be person in whose favour certificate of eligibility has been given by the competent authority:

Provided further that if he/she belongs to category (f), the certificate of eligibility shall be valid only for a period of one year from the date of his/her appointment beyond which he/she may be retained in service only if he/she has become a citizen of India,

A candidate in whose case a certificate of eligibility is necessary may, however, be admitted to an examination or interview conducted by the Departmental Promotion Committee on his furnishing proof that he/she has applied for the certificate and he/she may also be provisionally appointed subject to the necessary certificate being eventually given to him by the competent authority.

(2) Unless he/she is already in Government service, a candidate must produce—

- (a) certificates of good moral character from two responsible persons, not being his/her relatives, who are well acquainted with him/her in private life;
- (b) a medical certificate of fitness as required under the rules applicable to service;
- (c) a declaration to the effect that he has not more than one living wife and in the case of women, a declaration to the effect that she is not married to a person already having a living wife:

Provided that the Government may, if satisfied that there are special grounds for doing so exempt any person from the operation of this clause.

(3) A candidate for appointment to the service as a direct recruit must not be less than 18 years and more than 25 years of age on the date of appointment:

Provided that the Government may if it is of the opinion that a candidate is otherwise fit to discharge his duties satisfactorily, relax the minimum and maximum age limits:

Provided further that the maximum age limit may be relaxed in the case of candidate belonging to scheduled castes and scheduled tribes, displaced persons and other special categories in accordance with the orders issued by the Government in that behalf from time to time.

6. *Verification of Antecedents.*—Antecedents of all persons appointed by direct recruitment shall be verified immediately and those appointed by transfer and whose antecedents have not been verified previously shall also be sent for verification immediately after such person (s) join the post(s) in the department.

7. *Requirements as Educational Qualifications.*—No person shall be appointed direct to the service unless in the case of appointment to the post of—

Peon/Daftri he/she has passed Middle Examination from a recognised Board of School Education/University;

Lady Attendant, Cook, Watchman, Sweeper, Chowkidar, Beldar, Warder and Masalchi he/she has passed Primary Examination from a recognised institution:

Provided that the appointing authority may if it is of the opinion that a candidate is otherwise fit to discharge his duties satisfactorily, relax the qualifications prescribed under this rule.

8. *Method of recruitment.*—Appointment to the posts in the service shall be made—

- (a) in the case of Daftri by promotion from amongst the peons on the basis of seniority-cum-merit or by transfer or deputation of an official already in the service of the Government, failing which by direct recruitment;
- (b) in the case of Peon—
  - (i) by direct recruitment; or
  - (ii) by transfer or deputation of an official already in the service of the Government;
- (c) in the case of a Lady Attendant, Cook, Watchman, Sweeper, Chowkidar, Beldar, Warder and Masalchi—
  - (i) by direct recruitment; and
  - (ii) by transfer or deputation of an official already in the service of the Government.

When any vacancy occurs or is about to occur in the service, the head of department or any other authority declared as such by the Government, as the case may be, shall determine the manner in which it shall be filled up.

No official shall have any claim to appointment by promotion or transfer as of right:

Provided further that in the case of direct recruitment, reservation of vacancies for candidates belonging to scheduled castes and scheduled tribes respectively, shall be, as prescribed by the Government from time to time. In case suitable candidates belonging to scheduled castes and scheduled tribes are not available, the posts shall be treated as un-reserved:

Provided further that no person shall be eligible for appointment to the service unless he/she possesses knowledge of customs, manners and dialects of Himachal Pradesh.

9. *Departmental Promotion Committee.*—The Departmental Promotion Committee shall be constituted by the Government from time to time. The Departmental Promotion Committee shall also act as selection committee.

## PART III

## CONDITIONS OF SERVICE

10. *Probation of members of service.*—(1) Persons appointed to the service shall remain on probation for a period of two years:

Provided that—

- (a) any period, after appointment to the service, spent on deputation on a corresponding or a higher post shall count towards the period of probation fixed under this rule;
  - (b) in the case of an appointment by transfer, any period of work in similar rank or above, prior to appointment to the service may, at the discretion of the appointing authority be allowed to count towards the period of probation fixed under this rule;
  - (c) an officiating appointment in the service shall be reckoned as a period spent on probation but no member who has thus officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent post.
- (2) If the work and conduct of a person appointed to the service during the period of probation i.e., in the opinion of the appointing authority, not satisfactory, it may:
- (a) dispense with his services, if recruited by direct appointment; or
  - (b) if recruited otherwise—
    - (i) revert him to his former post; or
    - (ii) deal with him/her in such other manner as the terms and conditions of his/her previous appointment permit.
- (3) On the satisfactory completion of the period of probation of a person, the appointing authority may—
- (a) if his/her work and conduct, has in its opinion been satisfactory—
    - (i) confirm such person, from the date of his/her appointment, if appointed against a permanent post; or
    - (ii) confirm such person from the date from which a permanent vacancy exists, if appointed against a temporary vacancy;
  - (b) If his/her work or conduct has, in its opinion, not been satisfactory—
    - (i) dispense with his/her services if recruited by direct appointment or if recruited otherwise, revert him/her to his/her former post or deal with him/her in such manner as the terms and conditions of his previous appointment permit; or
    - (ii) extend his/her period of probation and thereafter pass such orders as it could have passed on the expiry of the first period of probation:

Provided that the total period of probation including extensions, if any, shall not exceed three years.

11. *Seniority of members of service.*—The seniority interests of members of the service shall be determined from the dates of their continuous appointments in the service:

Provided that in the case of members appointed directly the order of merit determined by the D.P.C. shall not, be disturbed and the persons appointed as a result of an early selection shall be senior to those appointed as a result of subsequent selection:

Provided further that in the case of two or more members

appointed on the same date, their seniority shall be determined as follows:—

- (a) a member recruited by direct appointment shall be senior to a member recruited otherwise;
- (b) a member recruited by promotion shall be senior to a person recruited by transfer;
- (c) in the case of members recruited by promotion or transfer, seniority shall be determined according to the seniority of such members in the appointments from which they were promoted or transferred; and
- (d) in the case of members recruited by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a member who was drawing a higher rate of pay in his previous appointment and if the rates of pay drawn are also the same, then their length of service in these appointments and if the length of such service is also the same, an elder member shall be ranked senior to a younger member:

Provided that in the case of members whose period of probation is extended under rule 7, the date of appointment for the purposes of this rule shall be deemed to have been deferred to the extent the period of probation is extended.

12. *Pay of members of the service.*—Members of the service shall be entitled to such scales of pay as may be sanctioned by the Government from time to time for the posts to which they are appointed.

13. *Leave, Pension etc.*—In respect of leave, pension and other connected matters not specifically mentioned in these rules, the members of the service shall be governed by such rules and regulations, as may have been or may hereafter be framed by the competent authority under any law or rules made thereunder.

14. *Disciplinary matters.*—In respect of matters relating to discipline, punishment and appeals, the members of the service shall be governed by the rules, instructions/executive orders as are made applicable by the Government from time to time:—

Provided that the nature of penalties which may be imposed, the authority competent to impose such penalties and appellate authority subject to the provisions of any law or rules made under Article 309 of the Constitution of India, shall be as specified in Appendix 'B' to these rules.

15. *Liability to transfer.*—Every member of the service shall be liable to transfer under orders of the appointing authority prescribed in rule 4 from posts within their respective classes of appointment, to other posts in the department and also anywhere within the jurisdiction of such authority.

16. *Oath of allegiance.*—Every member of the service unless he has already done so, shall be required to take the oath of allegiance to India and the Constitution of India as by law established.

17. *Power to relax.*—Where the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, it may, by such order and for reasons to be recorded in writing, relax the requirements of any of the provisions of these rules as it may consider necessary for dealing with case in a just and equitable manner.

## APPENDIX 'A'

(REFERRED TO IN RULE 3)

Sl. No.	Designation of the post	Pay Scale	No. of posts
1	2	3	4
1.	Daftri	75-3-90/3-105	1
2.	Peon	70-2-80/3-95	
3.	Lady Attendant.	-do-	11
4.	Cook	-do-	
5.	Watchman	-do-	
6.	Sweeper	-do-	
7.	Chowkidar	-do-	
8.	Beldar	-do-	
9.	Warder	-do-	
10.	Masalchi	-do-	

## APPENDIX 'B'

(REFERRED TO IN RULE 14)

Designation of officials	Nature of penalty	Punishing Authority	Appellate Authority
1	2	3	4
All categories mentioned in Col. 2 of Appendix 'A'	(i) Censure	Head of Office	Head of Department
	(ii) With holding of increments.	-do-	-do-
	(iii) Stoppage at the efficiency bar.	Head of Department	Government
	(iv) Reduction to a lower post or time scale or to a lower stage in a time scale.	-do-	-do-
	(v) Recovery from pay of the whole or part of any pecuniary loss caused to Govt. by negligence or breach of orders.	-do-	-do-
	(vi) Suspension	-do-	-do-
	(vii) Removal from civil service which does not disqualify from future employment.	-do-	-do-

1

2

3

4

(viii) Dismissal from civil service which ordinarily disqualifies for future employment.

Head of Department

Government

Simla-2 the 1st October, 1973

No. 17-4/73-LWP(Bhasha).—The Governor, Himachal Pradesh is pleased to frame the following general rules for the use of Kala Kendra in Dhalpur Maidan Kulu, District Kulu, which will come into force with effect from 1st October, 1973.

1. The Kala Kendra at Kulu is meant for the convenience and benefit of the members of the public to organise cultural functions and performances, with the permission of the competent authority and after paying the prescribed fee.

2. The Deputy Commissioner, Kulu shall be competent authority to grant permission for organising a function or cultural performance.

3. All applications shall be made to the Deputy Commissioner, Kulu well in advance and 50% of the rental charges will be paid in advance at the time of making applications. This advance will be refunded if the reservation is got cancelled at least 10 days before the date for which the reservation has been made or if the reservation is refused by the competent authority. In case the reservation is not got cancelled in time and not availed of by the permit holder the advance of 50% shall stand forfeited in favour of the Government.

4. The permit shall be issued in the name of the person(s) intending to hold the function of the cultural performance and shall not be transferable.

5. The following shall be the rates for the occupation of the Kala Kendra:—

(i) for less than 4 hours Rs. 500,  
(ii) between 4 hours and 12 hours Rs. 1,000,  
(iii) from 12 hours to 24 hours Rs. 1,500.

6. The Deputy Commissioner, may, with the previous approval of the Government exempt the payment of the rent for any function/performance which is performed by a Government organization, subject to such conditions as may be imposed.

7. In case, public exigencies so require, the Deputy Commissioner, may, cancel any reservation in favour of any person/party without any prior notice. In the event of such cancellations 50% advance already recovered shall be refunded.

8. The charges, as prescribed under rule 5 above, shall include the use of fixture, furniture and electric charges etc. installed in the Kala Kendra.

9. If any articles of fixture, furniture etc. belonging to the Kala Kendra are damaged or lost or removed by a permit holder or his attendant, Artist etc. he shall make a note of the same in the register and also pay the cost thereof to the person in charge of the Kala Kendra at the fixed rates. Any other damage done to the Kala Kendra building during the use of the permit holder shall also be made good by him. The estimate of the damage shall be prepared by the Executive Engineer, Himachal Pradesh Public Works Department Kulu whose decision shall be final and binding.

10. The decision of the Deputy Commissioner, Kulu whether a cultural function/performance is for the benefit of the public shall be final and binding.

PRAKASH CHAND,  
Secretary.

भाग 4—स्थानीय स्वायत्त शासन: म्यूनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग

LOCAL SELF GOVERNMENT DEPARTMENT

CORRIGENDUM

Simla-2, the 17th September, 1973

No. 7-23/71-LSG.—The following corrections shall be deemed to have been made in this Department Notification of even number, dated the 2nd January 1973, regarding inclusion of certain area within Municipal limits of Municipal Committee, Solan:—

Village Saproon On page 1 in line No. 3 Khasra No. 298/224 be substituted by 294/224.  
On page 1 in line No. 19 Khasra No. 61 be substituted by 71.  
On page 2 in line No. 4 Khasra No. 465/322/269 min be substituted by 456/322/269 min.  
On page 2 in line No. 46 Khasra No. 392/18 be substituted by 392/178.

Village Deon On page 3 in line No. 11 Khasra No. 232 be substituted by 132.  
On page 3 in line No. 14 Khasra No. 144 be substituted by 146.  
On page 3 in line No. 15 Khasra No. 166 be deleted.  
On page 3 in line No. 31 Khasra No. 344/33 be substituted by 346/330.  
On page 3 in line No. 34 Khasra No. 308 be substituted by 108.  
On page 3 in line No. 35 Khasra No. 323/33 be deleted.  
On page 3 in line No. 37 Khasra No. 357 be substituted by 357/234.

Village Patti Ser On page 4 in line No. 1 Khasra No. 257/241 be substituted by 857/241,  
Pajoo. 258/241 be substituted by 858/241.  
On page 4 in line No. 3 Khasra No. 847/261 be substituted by 847/271.  
Ser Patti Ser On page 4 in line No. 1 Khasra No. 468 be substituted by 486.  
On page 4 in line No. 2 Khasra No. 1076/513 be substituted by 1076/512.  
On page 4 in line No. 8 Khasra No. 1824/1 be deleted.  
On page 4 total No. 139 be substituted by 138 total area 86.13 be shown as 85.19.  
On page 4 in line No. 6 Khasra No. 266 to 236 be substituted by 265 to 286.  
On page 4 in line No. 6 Khasra No. 266/287 be substituted by 566/287.  
On page 4 in line No. 9 Khasra No. 553 be substituted by 553/338.

By order,  
P. K. MATTOO,  
Secretary.

कार्यालय जिलाधीश, जिला सिरमौर, नाहन

सेवा में

श्री जोगिन्द्रसिंह प्रधान, ग्राम पंचायत राजगढ़, निवासी ग्राम शालाना,  
डाकघर राजगढ़, जिला सिरमौर।

दिनांक 28 सितम्बर, 1973

विषय:-कारण बताओ नोटिस।

क्रमांक-पी-एस-2-मिस 72-8536.—चूँकि आपने ग्राम पंचायत, राजगढ़ की विशेष बैठक दिनांक 30-8-1973 को बुलाने के लिए नोटिस संख्या, 530/73, दिनांक 28-8-1973 को नोटिस जारी किया जबकि यह नोटिस हिमाचल प्रदेश ग्राम पंचायती राज नियम 1971 के नियम 22 के अनुसार बैठक के दिनांक से कम से कम 7 दिन पूर्व जारी होना चाहिए था व इस प्रकार ग्राम पंचायत नियम 22 के प्रावधान की उल्लंघना की गई है, व

चूँकि आपने 28-8-1973 को जारी किये गये एजेण्डा के अनुसार पंचायत की 30-8-73 की अवैध बैठक में जिला स्तर पर पंचायत सम्मेलन के आयोजन का प्रस्ताव संख्या 5 पारित करवाया जोकि पंचायतराज अधिनियम 1968 की धारा 18 के अनुसार पंचायत का कर्तव्य नहीं था, व बैठक की समस्त कार्यवाही ग्राम पंचायत नियम 22 के प्रावधान की उल्लंघना के कारण अवैध थी व पंचायत के प्रस्ताव से स्पष्ट है कि आप अपने द्वारा निजी रूप से किये जा रहे कार्य में पंचायत को अवैध रूप से शामिल किया।

चूँकि आपने बिना पूर्व स्वीकृति प्राप्त किये पंचायत की ओर से इस्तहारों द्वारा यह गलत प्रचार किया कि माननीय पंचायत मंत्री सम्मेलन की अध्यक्षता करेंगे व इसी प्रकार कुछ अन्य सडस्यगण हिमाचल प्रदेश विधान सभा के नाम भी इन इस्तहारों में दिये जबकि इस सम्बन्ध में उनसे स्वीकृति प्राप्त नहीं की गई थी इस प्रकार के अवान्छनीय व अनाधिकृत इस्तहारबाजी से पंचायत प्रधान के पद का दुरुपयोग किया।

चूँकि पंचायत के उक्त प्रस्ताव संख्या 5 को अधोहस्ताक्षरित द्वारा दिनांक 13-9-1973 को जारी हुए आदेश पत्र पृष्ठांकन संख्या-8174-83 द्वारा स्थगित किया गया था व आदेश दिये गये थे कि उक्त प्रस्ताव अनुसार कोई कार्यवाही न की जाये पर फिर भी उक्त आदेश की उल्लंघना कर दिनांक 16-9-1973 को पंचायत सम्मेलन का आयोजन किया, व

चूँकि आपके द्वारा किये गये उक्त कार्य अनियमित व अनाधिकृत थे जिनके निष्पादन में आपने पंचायत के प्रधान पद का दुरुपयोग किया व आपको ग्राम पंचायत, राजगढ़ के प्रधान होने के नाने अपने कर्तव्यों के पालन में अनाचार का दोषी ठहराया जाता है।

अतः मैं शमशेर सिंह सिद्धू, जिलाधीश सिरमौर, नाहन, हिमाचल प्रदेश ग्राम पंचायती राज नियम 1971 के नियम 77 के अनुसार यह आदेश देता हूँ कि आप इस नोटिस के जारी होने के दिनांक से 15 दिन के भीतर कारण बताएं कि क्यों न आपको हिमाचल प्रदेश, ग्राम पंचायती राज अधिनियम 1968 की धारा 54 के अन्तर्गत प्रधान के पद में निलम्बित किया जाये।

अगर निश्चित अवधि के भीतर आपसे कोई स्पष्टीकरण अधोहस्ताक्षरित को प्राप्त न हुआ तो यह समझा जायेगा कि आप अपने दोष को मानते हैं तथा बिना और कोई मौका दिये आपके विरुद्ध इस मामले में आगामी कार्यवाही अमल में लाई जावेगी।

शमशेर सिंह सिद्धू,  
जिलाधीश, जिला सिरमौर।

कार्यालय जिलाधीश, सिरमौर मण्डल, नाहन

दिनांक, सितम्बर 28, 1973

विषय:-कारण बताओ नोटिस।

सेवा में

- सर्व श्री 1. बलदेवसिंह पंच, ग्राम पंचायत, राजगढ़, निवासी ग्राम शालाना (कड्यू), डाकघर राजगढ़, सब-तहसील राजगढ़।  
2. ओम प्रकाश पंच, ग्राम पंचायत, राजगढ़, निवासी ग्राम शालाना, डाकघर राजगढ़, सब-तहसील राजगढ़।  
3. पलक राम उप-प्रधान, ग्राम पंचायत, राजगढ़, निवासी ग्राम तथा डाकघर राजगढ़, सब-तहसील राजगढ़।  
4. धनीराम पंच, ग्राम पंचायत, राजगढ़, निवासी ग्राम व डाकघर राजगढ़, सब-तहसील राजगढ़।  
5. दुर्गा सिंह पंच, ग्राम पंचायत, राजगढ़, निवासी ग्राम फतहपुर सडोडी (कोटली), डाकघर राजगढ़, सब-तहसील राजगढ़।  
6. रिखीराम पंच, ग्राम पंचायत राजगढ़, निवासी ग्राम फतहपुर सडोडी, डाकघर राजगढ़, सब-तहसील राजगढ़।  
7. श्रीमती कमला देवी पंच, ग्राम पंचायत राजगढ़, मनोनीत, निवासी ग्राम तथा डाकघर राजगढ़।



क्रमांक 110 एम0 2-मिस-7-8550-55.—चूंकि आपने ग्राम पंचायत राजगढ़ की विशेष बैठक में दिनांक 30-8-1973 को भाग लेकर प्रस्ताव संख्या 5 को पारित करने में अपनी सहमती दी।

2. चूंकि दिनांक 30-8-1973 की विशेष बैठक का नोटिस दिनांक 28-8-1973 का जारी किया गया था जबकि हिमाचल प्रदेश ग्राम पंचायत नियम 1971 के नियम 22 के अनुसार कम से कम 7 दिन का नोटिस जारी होना आवश्यक था, अतः दिनांक 30-8-1973 की बैठक अवैध थी और ऐसी बैठक में पारित प्रस्ताव भी अवैध थे, व

3. चूंकि पंचायतीराज अधिनियम की धारा 18 के अन्तर्गत ग्राम पंचायतों का कर्तव्य नहीं कि वे जिला स्तर पर पंचायत के समक्ष प्रस्ताव प्रस्तुत करें कि इन प्रस्ताव संख्या 5 दिनांक 30-8-1973 द्वारा निरस्त किया गया था तथा इस सम्मेलन के सम्पूर्ण खर्च की जिम्मेदारी श्री जोगिन्द्र सिंह प्रधान पर डालने के निश्चय में यह भान जाता है कि श्री जोगिन्द्र सिंह द्वारा पंचायत के नाम पर किये जा रहे अनाधिकृत कार्य में आपकी भी सहमती थी, व

4. चूंकि पंचायत का प्रस्ताव संख्या 5 दिनांक 30-8-1973 ग्राम पंचायत के आदेश पत्र पृष्ठांक संख्या 8179-83, दिनांक 13-9-1973 द्वारा इन आदेश सहित कि उक्त प्रस्ताव के अनुसार कोई कार्यवाही न की जाए पारित किया गया था परन्तु इसके उपरान्त भी सम्मेलन का आयोजन किया गया जोकि आदेशों की उल्लंघना है, व

5. चूंकि श्री जोगिन्द्र सिंह प्रधान, ग्राम पंचायत, राजगढ़ द्वारा पंचायत की ओर से जारी किये गये इस्तहारी द्वारा यह प्रचार किया गया कि इस सम्मेलन की अध्यक्षता माननीय पंचायत मंत्री श्री हरदयाल जी करेंगे जबकि माननीय मंत्री से इसकी पूर्ण स्वीकृति नहीं ली गई थी। इसी प्रकार कुछ अन्य सदस्य विधान सभा के नाम भी इन इस्तहारों में दिये गये जबकि उनसे पूर्व स्वीकृति प्राप्त नहीं की गई जोकि अवैधान्त्रिक है, व

6. चूंकि आपने उक्त अनियमित व अनाधिकृत कार्यों में अपनी सहमती दी जिस कारण आपको ग्राम पंचायत राजगढ़ के पंच होने के नाते अपने कर्तव्यों के पालन में अनाचार का दोषी ठहराया जाता है।

अतः मैं शमशेर सिंह सिद्ध, जिलाधीश सिरमौर मण्डल नाहन, हिमाचल प्रदेश ग्राम पंचायत नियम 1971 के नियम 77 के अनुसार यह आदेश देता हूँ कि आप इस नोटिस के जारी होने के दिनांक से 15 दिन के भीतर कारण बताएं कि क्यों न आपको हिमाचल प्रदेश पंचायतीराज अधिनियम 1968 की धारा 54 के अन्तर्गत निलम्बित किया जाये।

अगर निश्चित अवधि के भीतर आपसे कोई स्पष्टीकरण प्राप्त न हुआ तो यह समझा जायेगा कि आप अपने दोष को मानते हैं तथा बिना और कोई मौका दिये आपके विरुद्ध इस मामले में आगामी कार्यवाही अमल में लाई जायेगी।

शमशेर सिंह सिद्ध,  
जिलाधीश, जिला सिरमौर।

### भाग 5—व्यक्तिगत अधिसूचनाएं और विज्ञापन

न्यायालय सीनियर सब-जज महोदय, कांगड़ा, स्थान धर्मशाला  
अज्ञात मुकदमा नम्बर 2 साल 1971

क्रमांक न्याय नं० बनाम मुनशी राम

उपरोक्त मुकदमा उनवान बाला में श्री मुनशी राम उप नाम चिन्ह उप नाम दुर्गा चन्द पुत्र रावन पुत्र राजगरी, जात गद्दी, टीका उपरली बडोवा, मोजा धनियारा, तहसील व जिला कांगड़ा। को कई बार समन नोटिस जारी किए परन्तु इतना करने में गुरेज करता है। अतः इस्तहार द्वारा सूचित किया जाता है कि यदि मुनशी राम 3-11-73 को न्यायालय में उपस्थित न हुआ तो उसके खिलाफ कार्रवाई की जाएगी।

आज तिथि 1-10-73 को मेरे हस्ताक्षर व मोहर में जारी हुआ।

हस्ताक्षरित,  
मोहर। सीनियर सब-जज।

न्यायालय श्री ओम प्रकाश शर्मा, सब-जज महोदय, प्रथम श्रेणी,  
कांगड़ा, हि० प्र०

मुकदमा नं० 332/1973

फर्म मिथु मल बनाम हरी राम।

बनाम:—हरी राम पुत्र रतीया पुत्र काहन, जाति कोली, सकना चानजड़ा, मोजा मूजा, तहसील जोगिन्द्र नगर, जिला मण्डी, (हि० प्र०)

मुकदमा मुद्रजा उनवान बाला में हरी राम प्रतीवादी तामील करने में गुरेज करता है और छिप गया है अतः इस्तहार अखबार द्वारा सूचित किया जाता है कि तिथि 24 अक्टूबर, 1973 को

दस बजे प्रातः हाजर अदालत आये अन्यथा कार्यवाही एक पक्षीय अमल में लाई जाएगी।

आज तिथि 24 सितम्बर, 1973 को मेरे हस्ताक्षर व मोहर न्यायालय से जारी किया गया।

मोहर ओम प्रकाश शर्मा,  
सब जज प्रथम-श्रेणी।

न्यायालय श्री ए० एल० वैद्य, सीनियर सब-जज महोदय कांगड़ा  
स्थान धर्मशाला

मुकदमा नम्बर 26 साल 1971

उत्तरा अधिकारी प्रमाण-पत्र

धीमनी जगतम्बा देवी विधवा कैपटन हरचरण दास, पुत्र श्री सोहन लाल, जाति ब्राह्मण (2) मुरिन्द्र कुमार पुत्र कैपटन हरचरण दास (3) नारिन्द्र कुमार पुत्र हरचरण दास जाति ब्राह्मण, गांव व डाकघर बन्दला, तहसील पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश।

बनाम

सर्व जन्ता

मुकदमा मुद्रजा उनवान बाला में सायल ने उत्तर अधिकारी प्रमाण-पत्र हेतु प्रार्थना पत्र इस न्यायालय में दी है। अतः इस्तहार द्वारा सर्व साधारण जन्ता को सूचित किया जाता है कि यदि इस विषय में किसी को कोई आपत्ति हो तो वह तिथि 1-11-1973 न्यायालय में उपस्थित होकर पेश करें। अन्यथा आगामी कार्रवाई की जावेगी

आज्ञा तिथी 1-10-73 को मेरे हस्ताक्षर व मोहर से जारी हुआ।

ए० एल वेंच,  
मोहर। ज्येष्ठ उप-जज, धर्मशाला।

PROCLAMATION UNDER ORDER 5, RULE 20, C.P.C.  
In the Court of Shri Surendra Parkash, M.A., LL.B.,  
Senior Sub-Judge, Simla  
SUIT NO. 99/72

In re:—Shri Hira Lal Ahluwalia, Wine Contractor,  
53 Lower Bazar, Simla Plaintiff.

Versus

Shri Brahama Nand Contractor, Wine Contractor,  
Manimajra near Chandigarh. Defendant.

SUIT FOR THE RECOVERY OF RS. 5,625

To

Shri Brahama Nand Contractor,  
Wine Contractor, Manimajra,  
near Chandigarh.

Whereas in the above-noted case summons to Shri Brahama Nand defendant have been issued many times from this Court but all have been received un-served with the report that the defendant Shri Brahama Nand is evading the service of the summons and this court is satisfied that the service upon Shri Brahama Nand Defendant can not be effected in ordinary way hence the defendant is hereby informed through this proclamation that he should appear in this Court on 30th October, 1973 at 10 A.M. personally or through his counsel and defend his case. In case of absence the case will be heard *ex parte*.

Given under my hand and the seal of the court this 15th day of October, 1973.

Seal. SURENDRA PARKASH,  
Senior Sub-Judge.

PROCLAMATION UNDER ORDER 5, RULE 20, C.P.C.  
In the Court of Shri Surendra Parkash, M.A., LL.B., Senior  
Sub-Judge, Simla  
SUIT No. 125/1 OF 73

Dr. (Mrs) Nirmala Devi Chand Presently Snowden  
Hospital, Simla Plaintiff.

Versus

1. Shrimati Mohiender Kaur wd/o S. Pritam Singh and  
6 others all residents of Upper Kaithu Simla: Defendant.

SUIT FOR THE RECOVERY OF RS. 2,356

To

1. Shrimati Nimbi alias Nirmal Kaur } daughter of  
2. Shrimati Ranjit Kaur } late S. Pritam  
3. Shrimati Jasbir Kaur } Singh all resi-  
dent of Upper  
Kaithu, Simla.

Whereas in the above-noted case summons to defendants No. 1 to 3 i.e. Shrimati Nimbi alias Nirmal Kaur, Shrimati Ranjit Kaur and Shrimati Jasbir Kaur were issued many times from this court but all have been received un-executed with the report that the defendants are evading the service of the summons and the court is satisfied that the service upon the defendants cannot be effected in ordinary way, hence this proclamation is issued against them and are hereby informed that they should appear in this court on 3rd November, 1973 at 10 A.M. in this court personally or through their counsel and defend their case. In case of absence the case will be heard *ex parte*.

Given under my hand and the seal of the court this 9th day of October, 1973.

Seal. SURENDRA PARKASH  
Senior Sub-Judge.

PROCLAMATION UNDER ORDER 5 RULE 20, C. PC.  
In the Court of Shri Surendra parkash M.A., LL. B.,  
Senior Sub-Judge, Simla  
SUIT NO. 133/1 OF 73

In re:—Sita Ram son of Shri Perma Nand, resident of  
village Gadheri, Pargana Saraj, Sub-tehsil Suni, District  
Simla. Plaintiff.

Versus

Shri Man Dass son of Shri Durga, resident of village  
Gadheri, Pargana Saraj, Sub-tehsil Suni, District Simla  
Himachal Pradesh Defendant.

SUIT FOR THE RECOVERY OF RS. 540.46

Shri Man Dass son of Shri Durga, resident of village,  
Gadheri, Pargana Saraj, Sub-tehsil Suni, District Simla.

Whereas in the above-noted case summons to Shri Man Dass defendant has been issued many times from this court but all have been received un-executed with the report that Shri Man Dass the defendant is evading the service of the summons and this court is satisfied that Shri Man Dass defendant cannot be served in ordinary way, hence Shri Man Dass Defendant is hereby informed through this proclamation to appear in this court on 24th October, 1973 at 10 A.M. personally or through his counsel and defend the case. In case of absence the case will be heard *ex parte*.

Given under my hand and the seal of the court this 15th day of October, 1973.

Seal. SURENDRA PARKASH,  
Senior Sub-Judge.

PROCLAMATION UNDER ORDER 5, RULE 20, C.P.C.  
In the Court of Shri Surendra Parkash, M.A., LL.B.,  
Senior Sub-Judge, Simla  
SUIT NO. 130/1 OF 73

In re:—Shri Sita Ram son of Shri Perma Nand, resident  
of village Gadheri, Pargana Saraj, Sub-tehsil,  
Sun District Simla. Plaintiff.

Versus

Shri Man Dass son of Shri Durga, resident of village  
Gadheri, Pargana Saraj, Sub-Tehsil Suni, District Simla,  
Himachal Pradesh Defendant.

SUIT FOR THE RECOVERY OF RS. 1046.40

To

Shri Man Dass son of Shri Durga, resident of village  
Gadheri, Pargana Saraj, Sub-Tehsil Suni, District Simla.

Whereas in the above-noted case the summons to Shri Man Dass have been issued many times from this court but all have been received un-executed with the report that Shri Man Dass the defendant is evading the service of the summons and the court is satisfied that the service upon the defendant cannot be effected in ordinary way, hence Shri Man Dass defendant is hereby informed through this proclamation to appear in this court on 24th October, 1973 at 10 A.M. personally or through his counsel and defend the case. In case of absence the case will be heard *ex parte*.

Given under my hand and the seal of the court this 15th day of October, 1973.

Seal. SURENDRA PARKASH,  
Senior Sub-Judge.

**PROCLAMATION UNDER ORDER 5, RULE 20, C.P.C.**

In the Court of **Shri Surendra Parkash, M.A., LL.B.**  
Senior Sub-Judge, Simla

Suit No. 151/1 OF 73

In re:—**M/s Chint Ram Amerjit Shopkeeper, Anaj Mandi Simla** through **Lala Amarjit Karta** of the firm.  
Plaintiff.

*Versus*

**Shri Surender Thakur** through **Ram Sarn Thakur B/17, 891, Lodhi Koloni, New Dehli.**  
Defendant.

To **SCIT FOR THE RECOVERY OF RS. 853. 50**

**Shri Surender Thakur** through **Ram Sarn Thakur B/17/891, Lodhi Koloni New Dehli.**

Whereas in the above noted case summons to **Shri Surender Thakur** defendant have been issued many times from this court but all have been received un-executed with the report that **Shri Surender Thakur** Defendant is evading the service of the summons and the court is satisfied that the service upon the defendant cannot be effected in ordinary way hence the proclamation is issued against the defendant with the direction that he should appear in this

court on 30th October, 1973 at 10. A.M. and personally or through his counsel and defend the case. In case of absence the case will be heard *ex parte*.

Given under my hand and the seal of the court this 9th day of October, 1973.

Seal.

**SURENDRA PARKASH,**  
Senior Sub-Judge.

**STATE BANK OF PATIALA**

**NOTICE**

*Simla-1, the 1st October, 1973*

**S.B.O.P. 45.**—The following transfers and changes in the postings of Bank's Supervising Staff are hereby notified:—

1. **Shri J. S. Ahluwalia**, Officer Grade I, designated as Accountant, Simla Branch as from the commencement of business on 10th September, 1973.
2. **Shri R. K. Goyal**, Officer Grade II, officiated as Manager, Chamba Ghat Branch from 14th September, 1973 A.N. to 17th September, 1973 F.N. vice **Shri M. D. Sharma**, Officer Grade I.

**S. D. GANDA,**  
General Manager.

**भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन**

**LAW DEPARTMENT**

**NOTIFICATION**

*Simla-2, the 9th September, 1969*

**No. 13-12/69-LR.**—The following Acts recently passed by the Parliament which have already been published in the Gazette of India, are hereby republished in the Himachal Pradesh Rajpatra for the information of general public:—

1. The Indian Railways (Amendment) Act, 1969 (21 of 1969).
2. The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969 (22 of 1969).
3. The Coal Bearing Areas (Development and Acquisition) Amendment Act, 1969 (23 of 1969).
4. The Unlawful Activities (Prevention) Amendment Act, 1969 (24 of 1969).

**JOSEPH DINANATH,**  
Under Secretary (Judicial).

Assented to on 8.8.69

**THE INDIAN RAILWAYS (AMENDMENT)  
ACT, 1969**

(Act No. 21 of 1969)

AN

Act

further to amend the Indian Railways Act 1890.

Enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Indian Railways (Amendment) Act, 1969.

2. **Amendment of section 112.**—In the Indian Railways Act, 1890 (9 of 1890), hereinafter referred to as the principal Act), in section 112,

(a) in sub-section (1), for the words "which may extend to one hundred rupees", the

words "which shall not be less than ten rupees but which may extend to five hundred rupees" shall be substituted;

(b) in sub-section (1A), for the words "fifty naye paise", the words "ten rupees" shall be substituted.

3. **Amendment of section 113.**—In section 113 of the principal Act, in sub-section (3),—

(a) in the opening paragraph, for the words "fifty naye paise", the words "ten rupees" shall be substituted;

(b) in the first proviso, for the words "nearest multiple of five naye paise, or fifteen naye paise", the words "nearest multiple of five paise, or five rupees" shall be substituted.

4. **Repeal and saving.**—(1) The Indian Railways (Amendment) Ordinance, 1969 (3) of 1969, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 10th day of June, 1969.

**MINISTRY OF LAW**

(Legislative Department)

*New Delhi, the 9th August, 1869/Śravana 18, 1891 (Saka)*

The following Act of Parliament received the assent of the Chief Justice of India discharging the functions of the President on the 9th August, 1969; and is hereby published for general information:—

**THE BANKING COMPANIES (ACQUISITION AND  
TRANSFER OF UNDERTAKINGS) ACT, 1969  
(No. 22 OF 1969)**

[9th August, 1969]

An Act to provide for the acquisition and transfer

of the undertakings of certain banking companies in order to serve better the needs of development of the economy in conformity with national policy and objectives and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

## CHAPTER I PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969.

(2) It shall be deemed to have come into force on the 19th day of July, 1969.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “banking company” does not include a foreign company within the meaning of section 591 of the Companies Act, 1956 (1 of 1956);

(b) “corresponding new bank”, in relation to an existing bank, means the body corporate specified against such bank in column 2 of the First Schedule;

(c) “Custodian” means the person who becomes, or is appointed, a Custodian under section 10;

(d) “existing bank” means a banking company specified in column 1 of the First Schedule, being a company the deposits of which, as shown in the return as on the last Friday of June, 1969, furnished to the Reserve Bank under section 27 of the Banking Regulation Act, 1949, (10 of 1949), were not less than rupees fifty crores;

(e) “prescribed” means prescribed by rules made under this Act;

(f) “Tribunal” means a Tribunal constituted under section 7;

(g) words and expressions used herein and not defined but defined in the Banking Regulation Act, 1949 (10 of 1949), have the meanings respectively assigned to them in that Act.

## CHAPTER II

### (TRANSFER OF THE UNDERTAKINGS OF EXISTING BANKS)

3. *Establishment of corresponding new banks and business thereof.*—(1) On the commencement of this Act, there shall be constituted such corresponding new banks as are specified in the First Schedule.

(2) The paid-up capital of every corresponding new bank constituted under sub-section (1) shall, until any provision is made in this behalf in any scheme made under section 13, be equal to the paid-up capital of the existing bank in relation to which it is the corresponding new bank.

(3) The entire capital of each corresponding new bank shall stand vested in and allotted to the Central Government.

(4) Every corresponding new bank shall be a body corporate with perpetual succession and a common seal and shall sue and be sued in its name.

(5) Every corresponding new bank shall carry on and transact the business of banking as defined in clause (b) of section 5 of the Banking Regulation Act, 1949 (10 of 1949) and may engage in one or more forms of business specified in sub-section (1) of section 6 of that Act; and

shall have power to acquire and hold property, whether movable or immovable, for the purposes of its business and to dispose of the same.

(6) Every corresponding new bank shall establish a reserve fund to which shall be transferred the share premiums and the balance, if any, standing to the credit of the existing bank in relation to which it is the corresponding new bank, and such further sums, if any, as may be transferred in accordance with the provisions of section 17 of the Banking Regulation Act, 1949 (10 of 1949).

4. *Undertaking of existing banks to vest in corresponding new banks.*—On the commencement of this Act, the undertaking of every existing bank shall be transferred to, and shall vest in, the corresponding new bank.

5. *General effect of vesting.*—(1) The undertaking of each existing bank shall be deemed to include all assets, rights, powers, authorities and privileges and all property, movable and immovable, cash balance, reserve funds, investments and all other rights and interests arising out of such property as were immediately before the commencement of this Act in the ownership, possession, power or control of the existing bank in relation to the undertaking, whether within or without India, and all books of accounts, registers, records and all other documents of whatever nature relating thereto and shall also be deemed to include all borrowings, liabilities (including contingent liabilities) and obligations of whatever kind then subsisting of the existing bank in relation to the undertaking.

(2) If, according to the laws of any country outside India, the provisions of this Act by themselves are not effective to transfer or vest any asset or liability situated in that country which forms part of the undertaking of an existing bank to, or in, the corresponding new bank, the affairs of the existing bank in relation to such asset or liability shall, on and from the commencement of this Act, stand entrusted to the chief executive officer for the time being of the corresponding new bank, and the chief executive officer may exercise all powers and do all such acts and things as may be exercised or done by the existing bank for the purpose of effectively transferring such assets and discharging such liabilities.

(3) The chief executive officer of the corresponding new bank shall, in exercise of the powers conferred on him by sub-section (2), take all such steps as may be required by the laws of any such country outside India for the purpose of effecting such transfer or vesting, and may either himself or through any person authorised by him in this behalf realise any asset and discharge any liability of the existing bank.

(4) Notwithstanding anything contained in sub-section (2), on the commencement of this act, no person shall make any claim or demand or take any proceeding in India against any existing bank or any person acting in its name or on its behalf except in so far as may be necessary for enforcing the provisions of this section or except in so far as it relates to any offence committed by such person.

(5) Unless otherwise expressly provided by this Act, all contracts, deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature subsisting or having effect immediately before the commencement of this Act and to which the existing bank is a party or which are in favour of the existing bank shall be of as full force and

effect against or in favour of the corresponding new bank and may be enforced or acted upon as fully and as effectually as in the place of the existing bank the corresponding new bank had been a party thereto or as if they had been issued in favour of the corresponding new bank.

(6) If on the date of commencement of this Act, any suit, appeal or other proceeding of whatever nature is pending against the existing bank, the same shall not be continued or be, in any way, prejudicially affected by reason of the transfer of the undertaking of the existing bank or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the corresponding new bank.

(7) Nothing in this Act shall be construed as applying to the assets, rights, powers, authorities and privileges and property, movable and immovable cash balances and investments in any country outside India (and other foreign territories) and out of such property of any existing bank operating in that country if, under the laws of that country, it is not permissible for a banking company owned or controlled by Government, to carry on the business of banking there.

### CHAPTER III

#### PAYMENT AND DETERMINATION OF COMPENSATION

**6. Payment of compensation.**—(1) The Central Government shall give compensation to each existing bank for the termination of its undertaking and such compensation shall be determined in accordance with the principles specified in the Second Schedule and in the manner hereinafter set out, that is to say,—

(a) where the amount of compensation can be fixed by agreement, it shall be determined in accordance with such agreement;

(b) where no such agreement can be reached, the Central Government shall refer the matter to the Tribunal within a period of three months from the date on which the Central Government and the existing bank fail to reach an agreement regarding the amount of compensation.

(2) Notwithstanding that separate valuations are calculated under the principles specified in the Second Schedule in respect of the several matters referred to therein, the amount of compensation to be given shall be deemed to be a single compensation to be given for the undertaking as a whole.

(3) The amount of compensation determined in accordance with the foregoing provisions shall be paid to each existing bank, at its option,—

(a) in saleable or otherwise transferable promissory notes or stock certificates of the Central Government, issued and repayable at par, and maturing at the end of ten years from the date of commencement of this Act, and carrying interest at the rate of four and a half per cent per annum; or

(b) in saleable or otherwise transferable promissory notes or stock certificates of the Central Government, issued and repayable at par, and maturing at the end of thirty years from the date of commencement of this Act and carrying interest at the rate of five and a half per cent per annum; or

(c) partly in such number of securities specified in clause (a) and partly in such number of securities specified in clause (b), as may be required by the existing bank.

(4) The option referred to in sub-section (3) shall be exercised by every existing bank within three months from the commencement of this Act (or within such further time, not exceeding three months, as the Central Government may, by notification in the Official Gazette, specify) and the option so exercised shall be final and shall not be altered or rescinded after it has been exercised.

(5) An existing bank which omits or fails to exercise the option referred to in sub-section (3), within the time specified in sub-section (4) shall be deemed to have exercised its option in favour of the securities specified in clause (a) of sub-section (3).

(6) Notwithstanding anything contained in this section, any existing bank may, before the expiry of three months from the commencement of this Act (or within such further time, not exceeding three months as the Central Government may, by notification in the Official Gazette, specify) apply to the Central Government for an interim payment of one-half of the amount of its paid-up share capital and thereupon the Central Government shall, if the existing bank agrees in writing to distribute the amount so paid to its shareholders in accordance with their rights and interests, pay the same to the existing bank in securities specified in sub-section (3) in accordance with the option exercised, or deemed to have been exercised, under sub-section (4) or sub-section (5), as the case may be:

Provided that where the Central Government makes an interim payment under this section, it shall pay to the existing bank by a cheque drawn on the Reserve Bank such sum as would enable the existing bank to distribute—

(a) in cash one-half of the amount paid-up on the shares held by a person if one-half of the amount paid-up on the shares held by such a person does not exceed five thousand rupees; and

(b) where one-half of the amount paid-up on the shares held by a person exceeds five thousand rupees, such sum as would enable the existing bank to pay to the holder of such shares a sum of five thousand rupees in cash and the balance of one-half of the amount paid-up on the shares held by such person in securities specified in sub-section (3).

(7) The interim payment made to an existing bank shall be set off against the total amount of the compensation payable to it under this Act and the balance of the compensation remaining outstanding after such payment shall be given to the existing bank in securities specified in sub-section (3) in accordance with the option exercised, or deemed to have been exercised, under sub-section (4) or sub-section (5), as the case may be.

(8) Where the amount of compensation, payable in the form of securities under this section is not a multiple of one hundred rupees, any excess over the highest such multiple shall be paid by a cheque drawn on the Reserve Bank.



(9) Nothing contained in sub-section (3) shall affect the the rights *inter se* between an existing bank and any other person who may have an interest in such bank and such other person shall be entitled to enforce his interest against the compensation awarded to the existing bank but not against the Central Government or the corresponding new bank.

**7. Constitution of the Tribunal.**—(1) The Central Government may, for the purposes of this Act, constitute one or more Tribunals each of which shall consist of a Chairman and two other members.

(2) The Chairman of a Tribunal shall be a person who is, or has been a Judge of a High Court, or of the Supreme Court, and, of the two other members of a Tribunal, one shall be a person who, in the opinion of the Central Government, has had experience of banking and the other shall be a person who is a Chartered Accountant within the meaning of the Chartered Accountants' Act, 1949 (38 of 1949).

(3) If, for any reason, a vacancy occurs in the office of the Chairman, or any other member of a Tribunal, the Central Government may fill the vacancy by appointing an other person thereto in accordance with the provisions of sub-section (2) and any proceeding may be continued before such Tribunal so constituted from the stage at which the vacancy had occurred.

(4) A Tribunal may for the purpose of determining any compensation payable under this Act, choose one or more persons having special knowledge or experience of any relevant matter to assist it in the determination of such compensation.

**8. Tribunal to have powers of a Civil Court.**—Every Tribunal shall have the powers of a Civil Court, while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents.

**9. Procedure of the Tribunal.**—(1) Every Tribunal shall have power to regulate its own procedure.

(2) Every Tribunal may hold the whole or any part of its inquiry *in camera*.

(3) any arithmetical or clerical error in any order of a Tribunal or any error arising therein from an accidental slip or omission may, at any time, be corrected by such Tribunal either of its own motion or on the application of any of the parties.

## CHAPTER IV

### MANAGEMENT OF CORRESPONDING NEW BANKS

**10. Head office and branches.**—(1) The Head office of each corresponding new bank shall be at such place as the Central Government may, by notification in the

Official Gazette, specify in this behalf, and, until any such place is so specified, shall be at the place at which the head office of the existing bank, in relation to which it is the corresponding new bank, is on the date of the commencement of this Act, located.

(2) The general superintendence and direction of the affairs and business of a corresponding new bank shall, until any provision to the contrary is made under any scheme made under section 13, vest in a custodian, who shall be the chief executive officer of that bank and may exercise all powers and do all acts and things as may be exercised or done by that bank.

(3) The Chariman of the existing bank holding office as such immediately before the commencement of this Act, shall be the Custodian of the corresponding new bank and shall receive the same emoluments as he was receiving immediately before such commencement:

Provided that the Central Government may, if the Chairman of an existing bank declines to become, or to continue to function as, a custodian of the corresponding new bank, or, if it is of opinion that it is necessary so to do, appoint any other person as the Custodian of a corresponding new bank and the Custodian so appointed shall receive such emoluments as the Central Government may specify in this behalf.

(4) The Custodian shall hold office during the pleasure of the Central Government.

**11. Corresponding new bank to be guided by the directions of the Central Government.**—(1) Every corresponding new bank shall, in the discharge of its functions, be guided by such directions in regard to matters of policy involving public interest as the Central Government may, after consultation with the Governor of the Reserve Bank, give.

(2) If any question arises whether a direction relates to a matter of policy involving public interest, it shall be referred to the Central Government and the decision of the Central Government thereon shall be final.

**12. Advisory Board to aid and advise the Custodian.**—(1) There shall be an Advisory Board to aid and advise the Custodian in the discharge of his duties:

Provided that the Advisory Board shall be dissolved on the constitution of a Board of Directors in pursuance of a scheme made under clause (b) of sub-section (2) of section 13:

Provided further that the Central Government may, if it is of opinion that it is necessary so to do, dissolve the Advisory Board at any other time.

(2) The Advisory Board shall consist of representatives of the following, namely, the depositors of the corresponding new bank, employees of such bank, farmers, workers and artisans, to be elected in such manner and by such authority as may be prescribed, and shall also consist of such other persons as the Central Government may, by notification in the Official Gazette, appoint.

**13. Power of Central Government to make scheme.**—(1) The Central Government may, after consultation

with the Reserve Bank, make a scheme for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the said scheme may provide for all or any of the following matters, namely:-

(a) the capital structure of the corresponding new bank, so however that the paid-up capital of any such bank shall not be in excess of rupees fifteen crores;

(b) the constitution of the Board of Directors, by whatever name called, of the corresponding new bank and all such matters in connection therewith or incidental thereto as the Central Government may consider to be necessary or expedient;

(c) the reconstitution of any corresponding new bank into two or more corporations, the amalgamation of any corresponding new bank with any other corresponding new bank or with another banking institution, the transfer of the whole or any part of the undertaking of a corresponding new bank to any other banking institution or the transfer of the whole or any part of the undertaking of any other banking institution to a corresponding new bank;

(d) such incidental, consequential and supplemental matters as may be necessary to carry out the provisions of this Act.

(3) Every Board of Directors of a corresponding new bank shall include representatives of the following, namely, the depositors of such bank, employees thereof, farmers, workers and artisans, to be elected or nominated in such manner as may be specified in the scheme made under sub-section (1).

(4) The Central Government may, after consultation with the Reserve Bank, make a scheme to amend or vary any scheme made under sub-section (1).

## CHAPTER V

### MISCELLANEOUS

14. *Closure of accounts and disposal of profits.*—(1) Every corresponding new bank shall cause its books to be closed and balanced on the 31st day of December of each year and shall appoint, with the previous approval of the Reserve Bank, auditors for the audit of its accounts.

(2) Every auditor of a corresponding new bank shall be a person who is qualified to act as an auditor of a company under section 226 of the Companies Act, 1956 (1 of 1956), and shall receive such remuneration as the Reserve Bank may fix in consultation with the Central Government.

(3) Every auditor shall be supplied with a copy of the annual balance-sheet and profit and loss account and a list of all books kept by the corresponding new bank, and it shall be the duty of the auditor to examine the balance-sheet and profit and loss account with the accounts and vouchers relating thereto, and in the performance of his duties, the auditor—

(a) shall have, at all reasonable times, access to the books, accounts and other documents of the corresponding new bank,

(b) may, at the expense of the corresponding new bank employ accountants or other persons to assist him in investigating such accounts, and -

(c) may, in relation to such accounts, examine the Custodian or any member of the Advisory Board or any officer or employee of the corresponding new bank.

(4) Every auditor of a corresponding new bank shall make a report to the Central Government upon the annual balance-sheet and accounts and in every such report shall state—

(a) whether, in his opinion, the balance-sheet is a full and fair balance-sheet containing all the necessary particulars and is properly drawn up so as to exhibit a true and fair view of the affairs of the corresponding new bank, and in case he had called for any explanation or information, whether it has been given and whether it is satisfactory;

(b) whether or not the transactions of the corresponding new bank, which have come to his notice, have been within the powers of that bank;

(c) whether or not the returns received from the offices and branches of the corresponding new bank have been found adequate for the purpose of his audit;

(d) whether the profit and loss account shows a true balance of profit or loss for the period covered by such account; and

(e) any other matter which he considers should be brought to the notice of the Central Government.

(5) The report of the auditor shall be verified, signed and transmitted to the Central Government in such manner as may be prescribed.

(6) The auditor shall also forward a copy of the audit report to the corresponding new bank and to the Reserve Bank.

(7) After making provision for bad and doubtful debts, depreciation in assets, contributions to staff and superannuation funds and all other matters for which provision is necessary under any law, or which are usually provided for by banking companies, a corresponding new bank shall transfer the balance of profits to the Central Government.

15. *Removal from office of directors etc.*—(1) Every person holding office as Chairman, managing or whole-time director of an existing bank shall, on the commencement of this Act, be deemed to have vacated office and every other director of such bank (hereinafter referred to as the 'continuing directors') shall, until directors are duly elected by such existing bank, be deemed to continue to hold such office.

(2) Until the Board of Directors of an existing bank is duly constituted by it, the continuing directors shall be deemed to constitute its Board of Directors (hereinafter referred to as the 'continuing Board') and the Board of Directors or the continuing Board, as the case may be, may transact all or any of the following business, namely:—

(a) registration of the transfer or transmission of shares;

(b) arriving at an agreement about the amount of compensation payable under this Act or appearing before the Tribunal for obtaining a determination as to the amount of compensation;

(c) distribution to each shareholder of the amount of compensation received by it under this Act, for the acquisition of its undertaking;

(d) carrying on the business of banking in any country outside India if under the law in force in that country any bank, owned or controlled by Government, is prohibited from carrying on the business of banking there;

(e) carrying on any business other than the business of banking.

(3) The Board of Directors of an existing bank, or its continuing Board, as the case may be, may authorise all such expenditure as it may think fit for discharging any of the functions referred to in sub-section (2) and the Central Government may authorise the corresponding new bank to make an advance of the amount required by the existing bank in connection therewith and any amount so advanced shall be recouped from out of the compensation payable to the existing bank under this Act.

(4) Save as otherwise provided in sub-section (1), all officers and other employees of an existing bank shall become, on the commencement of this Act, officers and employees of the corresponding new bank and shall hold their offices or services in that bank on the same terms and conditions and with the same rights to pension, gratuity and other matters as would have been admissible to them if the undertaking of the existing bank had not been transferred to and vested in the corresponding new bank and continue to do so unless and until their employment in the corresponding new bank is terminated or until their remuneration, terms or conditions are duly altered by the corresponding new bank.

(5) For the persons who immediately before the commencement of this Act were the trustees for any pension, provident, gratuity or other like fund constituted for the officers or other employees of an existing bank, there shall be substituted as trustees such persons as the Central Government may, by general or special order, specify.

(6) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other employee from an existing bank to a corresponding new bank shall not entitle such officer or any other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

16. *Obligations as to fidelity and secrecy.*—(1) Every corresponding new bank shall observe, except as otherwise required by law, the practices and usages customary among bankers, and, in particular, it shall not divulge any information relating to or to the affairs of its constituents except in circumstances in which it is, in accordance with law or practice and usage customary among bankers, necessary or appropriate for the corresponding new bank to divulge such information.

(2) Every director, member of a local board or a committee, or auditor, adviser, officer or other employee of a corresponding new bank shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the Third Schedule.

(3) Every Custodian of a corresponding new bank shall, as soon as possible, make a declaration of fidelity and secrecy in the form set out in the Third Schedule.

17. *Custodian to be public servant.*—Every Custodian of a corresponding new bank shall be deemed to be a public servant for the purposes of Chapter IX of the Indian Penal Code (45 of 1860).

18. *Certain defects not to invalidate acts or proceedings.*—(1) All acts done by the Custodian, acting in good faith, shall, notwithstanding any defect in his appointment or in the procedure, be valid.

(2) No act or proceeding of any Board of Directors or a local board or committee of a corresponding new bank shall be invalid merely on the ground of the existence of any vacancy, or defect in the constitution of, such board or committee, as the case may be.

(3) All acts done by a person acting in good faith as a director or member of a local board or committee of a corresponding new bank shall be valid, notwithstanding that it may afterwards be discovered that his appointment was invalid by reason of any defect or disqualification or had terminated by virtue of any provision contained in any law for the time being in force:

Provided that nothing in this section shall be deemed to give validity to any act done by a director or member of a local board or committee of a corresponding new bank after his appointment has been shown to the corresponding new bank to be invalid or to have terminated.

19. *Indemnity.*—(1) Every Custodian of a corresponding new bank and every officer of the Central Government and of the Reserve Bank and every officer or other employee of a corresponding new bank, shall be indemnified by such bank against all losses and expenses incurred by him in or in relation to the discharge of his duties except such as have been caused by his own wilful act or default.

(2) A director or member of a local board or committee of a corresponding new bank shall not be responsible for any loss or expense caused to such bank by the insufficiency or deficiency of the value of, or title to, any property or security acquired or taken on behalf of the corresponding new bank, or by the insolvency or wrongful act of any customer or debtor, or by anything done in or in relation to the execution of the duties of his office, unless such loss, expense, insufficiency or deficiency was due to any wilful act or default on the part of such director or member.

20. *References to existing banks on and from the commencement of this Act.*—Any reference to any existing bank in any law, other than this Act, or in any contract or other instrument shall be construed as a reference to the corresponding new bank in relation to it:

Provided that nothing in this section shall apply to an existing bank in relation to any business which it may, notwithstanding the provisions of section 4, carry on.

**21. Dissolution.**—No law relating to winding up of corporations shall apply to a corresponding new bank and no corresponding new bank shall be placed in liquidation save by order of the Central Government and in such manner as it may direct.

**22. Power to make rules.**—(1) The Central Government may by notification in the Official Gazette, make such rules as it may think fit to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which the business of the Advisory Board shall be transacted and the procedure to be followed at the meetings thereof;

(b) fees and allowances which may be paid to members of the Advisory Board for attending any meetings of the Board or of any Committee that may be constituted by the Board;

(c) the formation of any Committee whether of the Advisory Board or of the corresponding new bank and the delegation of powers and functions to such Committee;

(d) any other matter which is required to be, or may be prescribed.

**23. Rules and schemes to be laid before Parliament.**—Every rule and every scheme made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or scheme or both Houses agree that the rule or scheme should not be made, the rule or scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or scheme, as the case may be.

**24. Power to make regulations.**—(1) The Board of Directors of a corresponding new bank may, after consultation with the Reserve Bank and with the previous sanction of the Central Government, make regulations, not inconsistent with the provisions of this Act and any rule or scheme made thereunder, to provide for all matters for which provision is expedient for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the regulations may provide for all or any of the following matters, namely:—

(a) the powers, functions and duties of local boards and restrictions, conditions or limitations, if any, subject to which they may be exercised or performed, the formation and constitution of local committees and committees of local board (including the number of members of any such committee), the powers, functions and duties of such committees, the holding of meetings of local committees and committees of local boards and the conduct of business thereat;

(b) the manner in which the business of the local boards shall be transacted and the procedure in connection therewith;

(c) the delegation of powers and functions of the board of directors of a corresponding new bank to the

general manager, director, officer or other employee of that bank;

(d) the conditions or limitations subject to which the corresponding new bank may appoint officers, advisers and other employees and fix their remuneration and other terms and conditions of service;

(e) the duties and conduct of officers, advisers and other employees of the corresponding new bank;

(f) the establishment and maintenance of superannuation, pension, provident or other funds for the benefit of officers or employees of the corresponding new bank or of the dependants of such officers or employees and the granting of superannuation allowances, annuities and pensions payable out of such funds;

(g) the conduct and defence of legal proceedings by or against the corresponding new bank and the manner of signing pleadings;

(h) the provision of a seal for the corresponding new bank and the manner and effect of its use;

(i) the form and manner in which contracts binding on the corresponding new bank may be executed;

(j) the conditions and the requirements subject to which loans or advances may be made or bills may be discounted or purchased by the corresponding new bank;

(k) the persons or authorities who shall administer any pension, provident or other fund constituted for the benefit of officers or employees of the corresponding new bank or their dependants;

(l) the preparation and submission of statements of programmes of activities and financial statements of the corresponding new bank and the period for which, and the time within such statements and estimates are to be prepared and submitted; and

(m) generally for the efficient conduct of the affairs of the corresponding new bank.

(3) Until any regulation is made under sub-section (1), the articles of association of the existing bank and every regulation, rule, bye-law or order made by the existing bank shall, if in force at the commencement of this Act, be deemed to be the regulations made under sub-section (1) and shall have effect accordingly and any reference therein to any authority of the existing bank shall be deemed to be a reference to the corresponding authority of the corresponding new bank and until any such corresponding authority is constituted under this Act, shall be deemed to refer to the Custodian.

**25. Amendment of certain enactments.**—(1) In the Banking Regulation Act, 1949 (10 of 1949),—

(a) in section 34A, in sub-section (3), for the words “and any subsidiary bank”, the words, figures and brackets “a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969, and any subsidiary bank” shall be substituted;

(b) in section 36AD, in sub-section (3), for the words “and any subsidiary bank”, the words, figures and brackets “a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969, and any subsidiary bank” shall be substituted;

(c) in section 51, for the words “or any other banking institution notified by the Central Government in this behalf”, the words, figures and brackets “or any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969, or any other banking institu-

tion notified by the Central Government in this behalf" shall be substituted;

(d) in the Fifth Schedule, in Part I of paragraph 1, after clause (e), the following *Explanations* shall be inserted, namely:—

*Explanation 1.*—For the purposes of this clause, "value" shall be deemed to be the market value of the land or buildings, but where such market value exceeds the ascertained value, determined in the manner specified in *Explanation 2*, shall be deemed to mean such ascertained value.

*Explanation 2.*—Ascertained value shall be equal to,—

(A) in the case of any building (including the land on which it is erected or which is appurtenant thereto) which is wholly occupied on the appointed day, twelve times the amount of the annual rent or the rent for which the building may reasonably be expected to be let out from year to year, after deducting from such rent,—

(i) one-sixth of the amount thereof on account of maintenance and repairs,

(ii) the amount of any annual premium paid to insure the building against any risk of damage or destruction,

(iii) where the building is subject to any annual charge, not being a capital charge, the amount of such charge,

(iv) where the building is subject to a ground rent, the amount of such ground rent,

(v) where the building is subject to a mortgage or other capital charge, the amount of interest on such mortgage or charge,

(vi) where the building has been acquired, constructed, repaired, renewed or re-constructed with borrowed capital, the amount of any interest payable on such capital, and

(vii) any sums paid on account of land revenue or other taxes in respect of such building;

(b) in the case of any building (including the land on which it is erected or which is appurtenant thereto) which is partially occupied on the appointed day, the value of the portion which occupied, ascertained in accordance with the provisions of sub-clause (A) [the deductions under sub-clauses (ii) to (vii) being made on a proportionate basis] and multiplied thereafter by the ratio which the entire plinth area of the building bears to the plinth area of the portion of the building which has been occupied or let out;

(c) in the case of any land which has no building erected thereon or which is not appurtenant to any building, the value, determined with reference to the prices at which sales or purchases of similar or comparable properties have been made during the period of three years immediately preceding the appointed day, by instruments registered under the Indian Registration Act, 1908 (16 of 1908), in the city, town or village where such land is situated.

(2) In the Industrial Disputes Act, 1947 (14 of 1947), in section 2, in clause (b), for the words "and any subsidiary bank", the words, figures and brackets "a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969, and any subsidiary bank" shall be substituted.

(3) In the Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949 (46 of 1949) in section 2, in clause (a) for the words "and any subsidiary bank", the

words figures and brackets "a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969, and any subsidiary bank" shall be substituted.

(4) In the Deposit Insurance Corporation Act, 1961 (47 of 1961),—

(a) in section 2,—

(i) after clause (e), the following clause shall be inserted, namely:—

"(ee) "corresponding new bank" means a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969;"

(ii) in clause (i), after the words "banking company", the words "or a corresponding new bank" shall be inserted;

(b) section 13 shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) The provisions of clauses (a), (b), (c), (d) and (h) of sub-section (1) shall apply to a corresponding new bank as they apply to a banking company."

(5) In the State Agricultural Credit Corporations Act, 1968 (60 of 1968)—

(a) in section 2, after clause (i), the following clause shall be inserted, namely:—

"(ii) "corresponding new bank" means a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969;"

(b) after the words "subsidiary banks" or "subsidiary bank", as the case may be, occurring in clause (d) of sub-section (3) of section 5, in clause (b) of section 9 and in the proviso to section 18, the words "corresponding new banks" or "corresponding new bank", as the case may be, shall be inserted.

**26. Removal of difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty.

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.

**27. Repeal and saving.**—(1) The Banking Companies (Acquisition and Transfer of Undertakings) Ordinance, 1969 (8 of 1969) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken, including any order made, notification issued or direction given, under the said Ordinance shall be deemed to have been done, taken, made, issued or given, as the case may be, under the corresponding provision of this Act.

(3) No action taken or thing done under the said Ordinance shall, if it is inconsistent with the provisions of this Act, be of any force or effect.

(4) Notwithstanding anything contained in the Banking Companies (Acquisition and Transfer of Undertakings) Ordinance, 1969, no right, privilege, obligation or liability shall be deemed to have been acquired, accrued or incurred thereunder.



## THE FIRST SCHEDULE

(See sections 2, 3 and 4)

Column 1	Column 2
Existing bank	Corresponding new bank
The Central Bank of India Limited.	Central Bank of India.
The Bank of India Limited.	Bank of India.
The Punjab National Bank Limited.	Punjab National Bank.
The Bank of Baroda Limited.	Bank of Baroda.
The United Commercial Bank Limited.	United Commercial Bank.
Canara Bank Limited.	Canara Bank.
United Bank of India Limited.	United Bank of India.
Dena Bank Limited.	Dena Bank.
Syndicate Bank Limited.	Syndicate Bank.
The Union Bank of India Limited.	Union Bank of India.
Allahabad Bank Limited.	Allahabad Bank.
The Indian Bank Limited.	Indian Bank.
The Bank of Maharashtra Limited.	Bank of Maharashtra.
The Indian Overseas Bank Limited.	Indian Overseas Bank.

## THE SECOND SCHEDULE

(See section 6)

## PRINCIPLES OF COMPENSATION

1. The compensation to be paid by the Central Government to each existing bank in respect of the acquisition of the undertaking thereof shall be an amount equal to the sum-total of the value of the assets of the existing bank as on the commencement of this Act, calculated in accordance with the provisions of Part I, less the sum-total of the liabilities computed and obligations of the existing bank calculated in accordance with the provisions of Part II.

## PART I. —Assets

For the purposes of this Part, "assets" means the total of the following:

(a) the amount of cash in hand and with the Reserve Bank and the State Bank of India (including foreign currency notes which shall be converted at the market rate of exchange);

(b) the amount of balances with any bank, whether on deposit or current account, and money at call and short notice, balances held outside India being converted at the market rate of exchange;

Provided that any balances which are not realisable in full shall be deemed to be debts and valued accordingly;

(c) the market value, as on the day immediately before the commencement of this Act, of any securities, shares, debentures, bonds and other investments, held by the bank concerned.

*Explanation.* For the purposes of this clause—

(i) securities of the Central and State Governments [other than the securities specified in clauses (ii) and (iii) of this *Explanation*] maturing for redemption within five years from the commencement of this Act shall be valued at the face value or the market value, whichever is higher;

(ii) securities of the Central Government, such as Post Office Certificates and Treasury Savings Deposit Certificates and any other securities or certificates issued or to be issued under the Small Savings Schemes of the Central Government, shall be valued at their face value or the encashable value as on the day immediately before the commencement of this Act, whichever is higher;

(iii) where the market value of any Government security such as the zamindari abolition bond or other similar securities in respect of which the principal is payable in instalments, is not ascertainable or is, for any reason, not considered as reflecting the fair value thereof or as otherwise appropriate, the securities shall be valued at such an amount as is considered reasonable having regard to the instalments of principal and interest remaining to be paid, the period during which such instalments are payable, the yield of any security, issued by the Government to which the security pertains and having the same or approximately the same maturity, and other relevant factors;

(iv) where the market value of any security, share, debenture, bond or other investment is not considered reasonable by reason of its having been affected by abnormal factors, the investment may be valued on the basis of its average market value over any reasonable period;

(v) where the market value of any security, share, debenture, bond or other investment is not ascertainable, only such value, if any, shall be taken into account as is considered reasonable having regard to the financial position of the issuing concern, the dividend paid by it during the preceding five years and other relevant factors;

(d) the amount of advances (including loans, cash credits, overdrafts, bills purchased and discounted) and other debts, whether secured or unsecured, to the extent to which they are reasonably considered recoverable, having regard to the value of the security, if any, the operation on the account, the reported worth and respectability of the borrower, the prospects of realisation and other relevant considerations;

(e) the value of any land or buildings.

*Explanation 1.*—For the purpose of this clause, "value" shall be deemed to be the market value of the land or buildings, but where such market value exceeds the ascertained value, determined in the manner specified in *Explanation 2*, shall be deemed to mean such ascertained value.

*Explanation 2.*—Ascertained value shall be equal to,—

(1) in the case of any building (including the land on which it is erected or which is appurtenant thereto) which is wholly occupied on the date of the commencement of this Act, twelve times the amount of the annual rent or the rent for which the building may reasonably be expected to be let out from year to year after deducting from such rent,—

(i) one-sixth of the amount thereof on account of maintenance and repairs,

(ii) the amount of any annual premium paid to insure the building against any risk of damage or destruction,

(iii) where the building is subject to any annual charge, not being a capital charge, the amount of such charge.

(iv) where the building is subject to a ground rent, the amount of such ground rent,

(v) where the building is subject to a mortgage or other capital charge, the amount of interest on such mortgage or charge,

(vi) where the building has been acquired constructed, repaired, renewed or re-constructed with borrowed capital, the amount of any interest payable on such capital, and

(vii) any sums paid on account of land revenue or other taxes in respect of such building;

(2) in the case of any building (including the land on which it is erected or which is appurtenant thereto) which is partially occupied on the date of the commencement of this Act, the value of the portion which is occupied, ascertained in accordance with the provisions of sub-clause (1) [the deductions under sub-clauses (ii) to (vii) being made on a proportionate basis] and multiplied thereafter by the ratio which the entire plinth area of the building bears to the plinth area of the portion of the building which has been occupied or let out;

(3) in the case of any land which has no building erected thereon or which is not appurtenant to any building, the value, determined with reference to the prices at which sales or purchases of similar or comparable lands have been made during the period of three years immediately preceding the date of the commencement of this Act, by instruments registered under the Indian Registration Act, 1908 (16 of 1908) in the city, town or village where such land is situated;

(f) the total amount of the premia paid, in respect of all leasehold properties, reduced in the case of each such premium by an amount which bears to such premium the same proportion as the expired term of the lease, in respect of which such premium shall have been paid bears to the total term of the lease;

(g) the written down value as per books, or the realisable value, as may be considered reasonable, of all furniture, fixtures and fittings;

(h) the market or realisable value, as may be appropriate, of other assets appearing on the books of the bank, no value being allowed for capitalised expenses, such as share selling commission, organisational expenses and brokerage, losses incurred and similar other items.

## Part II—Liabilities

For the purpose of this Part, "liabilities" means the total amount of all outside liabilities existing at the commencement of this Act, and all contingent liabilities which the corresponding new bank may reasonably be expected to be required to meet out of its own resources on or after the date of commencement of this Act.

## CERTAIN DIVIDENDS NOT TO BE TAKEN INTO ACCOUNT

2. No separate compensation shall be payable for any dividend in respect of any period immediately preceding the commencement of this Act:

Provided that nothing in this paragraph shall preclude the payment of any dividend which was declared before such commencement.

## THE THIRD SCHEDULE

[See sub-sections (2) and (3) of section 16]

### DECLARATION OF FIDELITY AND SECRECY

I,....., do hereby declare that I will faithfully, truly and to the best of my skill and ability execute and perform the duties required of me as Custodian, Director, member of Local Board, member of Local Committee, auditor, adviser, officer or other employee (as the case may be) of the\* and which properly relate to the office or position in the said\* held by me.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the\* ; or to the affairs of any person having any dealing with the\* ; nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the\* and relating to the business of the\* or to the business of any person having any dealing with the\*

\*Name of corresponding new bank to be filled in.

N. D. P. NAMBOODIRIPAD,  
Joint Secretary to the Govt. of India.

Assented to on 12-8-1969

## THE COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) AMENDMENT ACT, 1969

ACT, No. 23 OF 1969  
AN  
ACT

further to amend the Coal Bearing Areas (Acquisition and Development) Act, 1957

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Coal Bearing Areas (Acquisition and Development) Amendment Act, 1969.

2. *Amendment of section 28.*—In the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the principal Act), in section 28,—

(a) in sub-section (3), for the portion beginning with "in respect of such land;" and ending with "or any part thereof," the following shall be, and shall be deemed always to have been substituted, namely:—

"In respect of such land or of any rights in or over such land; and the Central Government may at any time make a declaration under section 9 of this Act

in respect of the land or any part thereof or any rights in or over such land or part.”;

(b) after sub-section (3), the following sub-section shall be, and shall be deemed always to have been, inserted, namely:—

“(3A) Where in respect of any land covered by any notification issued under section 4 of the said Act, no objection has been preferred under section 5A thereof within the period specified in that section, then it shall be deemed that a notification had been issued under section 7 of this Act in respect of such land or of any rights in or over such land and that no objection to the acquisition of the land or any rights in or over the land had been preferred under section 8 of this Act, and accordingly the Central Government may at any time make a declaration under section 9 of this Act in respect of the land or any part thereof or any rights in or over such land or part.”.

3 *Validation of certain acquisitions.*—Notwithstanding any judgment, decree or order of any court, every acquisition of land or the rights in or over land made by the Central Government in pursuance of the notifications of the Government of India in the late Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) Nos. S. O. 1759 and S. O. 25, dated the 7th August, 1958, and the 22nd December, 1959 respectively, made under section 9 of the principal Act, shall be, and shall be deemed always to have been, as valid as if the provisions of section 28 thereof as amended by this Act were in force at all material times when such acquisition was made and shall not be called in question in any court of law on the ground only that before issuing such notifications no notification was issued under section 7 of the principal Act in relation to the land or rights in

or over such land covered by the said notifications Nos. S. O. 1759 and S. O. 25.

Assented to on 13-8-1969.

# THE UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT ACT, 1969 (ACT No. 24 OF 1969)

AN  
ACT

to amend the Unlawful Activities (Prevention) Act, 1967.  
Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Unlawful Activities (Prevention) Amendment Act, 1969.

2. *Amendment of section 1.*—In section 1 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) (hereinafter referred to as the principal Act), for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) It extends to the whole of India:

Provided that it shall come into force in the State of Jammu and Kashmir on such date as the Central Government may, by notification in the official Gazette, appoint.”

3. *Insertion of new section 2A.*—In the principal Act, in Chapter I, after section 2, the following section shall be inserted, namely:—

“2A. *Construction of references to laws not in force in Jammu and Kashmir.*—Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.”.

## GENERAL ADMINISTRATION DEPARTMENT (‘C’ SECTION) ORDER

Simla-2, the 14th August, 1973

No. 11-3/73-GAC. The Order No. 28/4/73-FP, dated the 18th July, 1973 issued by the Government of India,

Ministry of Information and Broadcasting, New Delhi, and published in the Gazette of India, extraordinary part II section 3 sub-section (ii) is hereby republished for the information of general public.

S. R. GUPTA,  
Under Secretary.

## GOVERNMENT OF INDIA MINISTRY OF INFORMATION AND BROADCASTING ORDER

New Delhi-1, the 18th July, 1973

S. O. .... In pursuance of the directions issued under the provision of each of the enactments specified in the First Schedule to the order of the Government of India in the Ministry of Information and Broadcasting No. S.O. 3792, dated the 2nd December, 1966, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the schedule annexed hereto in all its their language versions to be of the description specified against it each in column 6 of the said schedule.

### SCHEDULE

Sl. No.	Title of the Film	Length 35mm	Name of the applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film
1	2	3	4	5	6
1.	INR No. 1288	229.00 Metres	Films Division Government of India, 24-Peddar Road, Bombay-26.		Film dealing with news and current events, for General release.

1	2	3	4	5	6
2.	INR No. 1289	225.00 Metres	Film Division Government of India, 24 Peddar Road, Bombay-26		Film dealing with news and current events, for General release
3.	INR No. 1289-A	297.79 Metres	-do-		-do-
4.	An Environment	595.88 Metres	Image Indian Films Pvt. Ltd. Nanda Bhai Mansion, Bombay- 1.		For General Release Educational.
5.	If there were the sound of Water only.	288.33 Metres	M/s Durga Khote Production India House, Bombay-1.		For General Release 'Documentary'

[F. No. 28/4/73-FP-APP 1817]

HARJIT SINGH,

Under Secretary to the Government of India.

# GENERAL ADMINISTRATION DEPARTMENT NOTIFICATION

Simla-2, the 25th August, 1973.

No. 11-3/73-GAC.—The Order No. 28-4/73-FP, dated  
the 18th July, 1973, issued by the Government of India,

Ministry of Information and Broadcasting, New Delhi  
and published in the Gazette of India extraordinary  
part II, section 3 sub-section, is hereby republished for  
information of the general public.

S. R. GUPTA,  
Under Secretary.

भारत सरकार

सूचना और प्रसारण मंत्रालय

आदेश

नई दिल्ली-1, 28 जुलाई, 1973

एस0 ओ0.....—भारत सरकार के सूचना और प्रसारण मंत्रालय के आदेश संख्या एस0 ओ0 3792, तारीख 2 दिसम्बर, 1966 की प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियमों के उपबन्ध जारी किए गए निदेशों के अनुसार केन्द्रीय सरकार फिल्म सलाहकार बोर्ड बम्बई की सिफारिशों पर विचार करने के बाद एतद्वारा इसके साथ लगी अनुसूची के कालम 2 में दी गई फिल्म की उसके सभी भारतीय भाषाओं के रूपान्तरों सहित जिसका विवरण उसके सामने उक्त सूची के कालम 6 में दिया हुआ है स्वीकृत करती है ।

अनुसूची

क्रम सं०	फिल्म का नाम	लम्बाई 35 मीटर	आवेदक का नाम निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमेन्ट्री फिल्म है
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1.	भारतीय समाचार समीक्षा संख्या 1289 ।	301.00 मीटर ।	फिल्म प्रभाग, भारत सरकार, 2-पेडर रोड, बम्बई-26.	समाचार और सामयिक घटनाओं की फिल्म (केवल उत्तरी प्रदेश, हरियाणा, जम्मू और काश्मीर, मध्य प्रदेश, पंजाब, राजस्थान, उत्तर प्रदेश, अंडमान और निकोबार टापू दादरा और नगर हवेली प्रशासन, दिल्ली प्रशासन, पांडीचेरी और हिमाचल प्रदेश में प्रदर्शन के लिए ।
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[फा0 संख्या 28/4/1973-एफ0 पी0 परिशिष्ट 1813]

हरजीत सिंह,

अवर सचिव, भारत सरकार ।

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं  
तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

शून्य

**PART**  
**BOARD OF DEPARTMENTAL**  
**NOTIFI-**  
**Simla-2, the 18th**

No. 8-76, 72-DP(Apptt-D)-Part-III.—The result of the Departmental Examination of the officers belonging

Sr. No.	Roll No.	Name and designation of the candidate	Criminal Law and Procedure 4	Criminal Cases 5
1	2	3	4	5
1.	1	Shri D. P. Singh, IAS, Jt. Director, Industries, Himachal Pradesh, Simla	—	Pass
2.	2	Shri P. I. Suvarathan, IAS (Prob.) Assistant Commissioner (U/T), District Sirmur, Nahan.	Pass	Fail
3.	3	Miss Suneeta Dhingra IAS (Prob.) Assistant Commissioner (U/T), District Kangra, Dharamsala.	Not appeared.	
4.	4	Shri Mohinder Singh, HAS, L.A.O. (PWD), Mandi	—	Pass
5.	5	Shri I. C. Malhotra, S-L (HAS), G. A. to Deputy Commissioner, Hamirpur	—	Fail
6.	6	Shri Gian Chand Khatana, S-L (HAS), G.A. to Deputy Commissioner, Solan	Fail	Fail
7.	7	Shri R. K. Dharmani, S-L (HAS), Judicial Magistrate, Una	—	—
8.	8	Shri Nasib Chand, S-L (HAS) Regional Transport Officer, Himachal Pradesh, Dharamsala.	—	Pass
9.	9	Shri Narain Singh, S-L (HAS), Vigilance Officer, Himachal Pradesh, Simla-2	—	Pass
10.	10	Shri M. C. Sud, S-L (HAS), Regional Transport Officer, Dhali (Simla)	Fail	—
11.	11	Shri Ashok Kumar Malhotra, Naib-Tehsildar, Jogindernagar, District Mandi	Not appeared.	
12.	12	Shri A. S. Jaswa, S-L (HAS), D.D. & P. O. Simla	—	Pass
13.	13	Shri K. C. Aggarwal, S-L (HAS), Administrative Officer, Medical College, Simla	Not appeared.	
14.	14	Shri Hazara Singh, S-L (HAS), L. A. O. III, Talwara	Not appeared.	
15.	15	Shri G. S. Chauhan, S-L (HAS), G.A. to D.C., Kinnaur, Kalpa	Not appeared.	
16.	16	Shri Jai Gopal Atri, S-L (HAS), Relief & Rehabilitation Officer, Bilaspur	Fail	Pass
17.	17	Shri K. L. Gautam, Clerk of Court, Himachal Pradesh, Simla-2	—	—
18.	18	Shri Ram Rattan, Tehsildar, (Election) Simla	Fail	Fail
19.	19	Shri Mathara Dass Naib-Tehsildar Karsog, District Mandi	Fail	Fail
20.	20	Shri Agnar Singh Rathore, Naib-Tehsildar, Settlement Officer Dharamsala	Pass	—
21.	21	Shri Jagat Bandhu, Naib-Tehsildar, (Settlement), Nagrota, District Kangra	—	—
22.	22	Shri Gian Chand, Naib-Tehsildar, Settlement Officer, Dharamsala	—	Fail
23.	23	Shri Chet Ram Kulvi, Naib-Tehsildar, Kangra, District Kangra	Fail	Fail
24.	24	Shri C. M. Kaushal, Naib-Tehsildar, Theog, District Simla	—	Fail
25.	25	Shri O. P. Soni, Naib-Tehsildar, Barsar, District Hamirpur	—	Fail
26.	26	Shri Gopi Chand, Naib-Tehsildar Rampur (Bushehr) District Simla	Pass	Pass (H.S.)
27.	27	Shri Bhagat Ram Bhardwaj, Naib-Tehsildar, Land Acquisition H.P. P. W. D. Kangra	—	—
28.	28	Shri Chanchal Singh Parmar, Naib-Tehsildar, M.L. Acquisition D. C. Office, Dharamsala.	Not appeared.	
29.	29	Shri N. R. Shamah, Naib-Tehsildar, (Election) D. C. Office, Keylong	Fail	Fail
30.	30	Shri Ramdyal Verma, Naib-Tehsildar, Land Acquisition, Kangra	Pass (H.S.)	Pass (H.S.)
31.	31	Shri Kesar Singh Naib-Tehsildar (Elections) Solan	Pass	Pass
32.	32	Shri Satya Dev, Naib-Tehsildar, (Land Acquisition), Kalpa	—	—
33.	33	Shri Kewal Ram Chauhan, Naib-Tehsildar (Land Acquisition Officer) Kasumpti	Pass	—
34.	34	Shri Ranjit Singh Mehta, Naib-Tehsildar Sundarnagar	Fail	Pass
35.	35	Shri Hari Ram Sharma, H. V. C., D. C. Office, Nahan	Fail	—
36.	36	Shri Dev Raj Sharma, Assistant Sadar Kanungo, Kangra at Dharamsala	Fail	Fail
37.	37	Shri K. A. Solomon, H.V.C., D. C. Office, Mandi	—	—
38.	38	Shri D. R. Tanwar, S-L (HAS) Excise and Taxation Officer, Simla	Fail	Fail

Note.—'H.S.' denotes 'Higher Standard'.



## September, 1973

to IAS/HPAS/Select-List Officers of HPAS/Tehsildars etc.held in May, 1973, is hereby notified as below:—

A. K. GOSWAMI,  
*Secretary.*

## HEALTH AND FAMILY PLANNING DEPARTMENT NOTIFICATION

Simla-2, the 17th October, 1973

No. 11-6/69-II-H&FP.—In exercise of the powers vested in him under section 7 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) read with Rule 44A of the Prevention of Food Adulteration Rules, 1955 and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to order that no person shall sell or offer or expose for sale, or have in his possession for the purpose of sale under any description or for use as an ingredient in the preparation of any article of food intended for sale the following articles with effect from the date of publication of this notification in the official gazette—

- (a) Kesari gram and its products,
- (b) Kesari dal and its products,
- (c) Kesari dal flour and its products,
- (d) A mixture of Kesari Gram and Bengal-gram,
- (e) A mixture of Kesari dal and Bengal gram dal and its products.

The Governor, Himachal Pradesh is further pleased to authorise all the Food Inspectors in Himachal Pradesh to launch prosecution against the person/persons committing offences under this Act.

By order,  
H. S. DUBEY,  
Secretary.

## PUBLIC WORKS DEPARTMENT (A SECTION) NOTIFICATION

Simla-2, the 15th October, 1973

No. 1-51/70-PWD-A. Shri Sita Ram Sharma was recommended for promotion to the post of Assistant Engineer by the Departmental Promotion Committee in its meeting held on 8th July, 1964, but the promotion was withheld by the then Lt. Governor, Himachal Pradesh, pending final decision in a vigilance case registered by the Central Vigilance Commission against Shri Sharma and other as R.C. No. 39/63-Ambala. Shri Sita Ram Sharma has now been exonerated of the charges levelled against him. The Governor, Himachal Pradesh is therefore, pleased to promote Shri Sita Ram Sharma, Sectional Officer as Assistant Engineer on *ad hoc* basis in the pay scale of Rs. 400-30-700/40-1100 with immediate effect.

2. The Governor, Himachal Pradesh is further pleased to order that the pay of Shri Sita Ram Sharma shall be notionally fixed as Assistant Engineer with effect from 6th August, 1973 (F.N.) the date from which Shri Puran Chand Gautam who was promoted as Assistant Engineer *ad hoc* on the recommendation of the same Departmental Promotion Committee and is assigned position in the seniority amongst those Assistant Engineers who were promoted on *ad hoc* basis, below Shri Puran Chand Gautam and above Shri Madho Parshad, Lohia Assistant Engineer.

The Governor, Himachal Pradesh is further pleased to post Shri Sita Ram Sharma as Assistant Engineer against a post of Assistant Engineer, Public Health Sub-Division Simla under Simla Division, Division No. II, vacated by Shri G. S. Bajwa Assistant Engineer temporarily till further order.

B. D. SHAUNAK,  
Under Secretary.

## TRANSPORT DEPARTMENT NOTIFICATION

Simla-2, the 11th October, 1973

No. 4-3/73-Tpt.—The Governor, Himachal Pradesh is pleased to constitute a Consultative/Advisory Committee to the Transport Minister/(P. W. M.), consisting of the following Official/Non-Official Members to advise the Government on vital matters of Public Importance concerning Transport Department:—

Public Works Minister.....Chairman.

### Official Members

1. Secretary (Transport).
2. Inspector General of Police, Himachal Pradesh
3. Chief Engineer (South) H. P. P. W. D.
4. Secretary, State Transport Authority, H. P.
5. Commissioner of Transport.....Member-Secretary.

### Non-Official Members

1. Shri P. C. Kapur, M. L. A.
2. Shri Mela Ram Saver, M. L. A.
3. Shri Dalip Singh, M. L. A.
4. Shri Siri Ram, M. L. A.
5. Smt. Chandresh Kumari, M. L. A.
6. Shri K. L. Joshi, M. L. A.
7. Shri Kuldeep Singh, M. L. A.
8. Shri Ishwar Dass, M. L. A.
9. Shri Krishan Dutt, M. L. A.
10. Shri Shonkia Ram, M. L. A.
11. Shri Sunder Singh, M. L. A.
12. Shri Hira Singh, M. L. A.

2. The terms of the Non-Official Members will be for two years.

3. The Official Members are appointed in their official capacity and non-official in their personal capacity.

4. The official members will be entitled to travelling allowance and dearness allowance admissible to them according to the rules governing them. The non-official members will be allowed travelling allowance and dearness allowance as per Annexure 'A'.

The expenditure involved on travelling allowance and dearness allowance of non-official members will be met out of the budget grant of the Transport Department under Head "57—Road & Water Transport Schemes-A-Road Transport A-I-Direction A-I(3) Other Allowances & Hon. (T. A.)."

The Controlling Officer in regard to countersigning the T. A. bills of the non-official members of this committee will be the Commissioner of Transport, H. P.

This issues with the concurrence of the Finance Department obtained vide their U. O. No. 2424, dated 10-9-1973.

H. S. DUBEY,  
Secretary.